APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-453

BARRY VAN LARE, individually and in his capacity as Acting Commissioner of the Department of Social Services of the State of New York, ABE LAVINE, individually and in his capacity as Commissioner of the Department of Social Services of the State of New York, LOUIS P. KURTIS, individually and in his capacity as Commissioner of the Department of Social Services of the County of Westchester,

Appellants,

against

ROSE HURLEY, individually and on behalf of her minor children, DOREEN HURLEY, JAMIE HURLEY and JOHN HURLEY and on behalf of all other persons similarly situated,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURTS FOR THE SOUTHERN AND EASTERN DISTRICTS OF NEW YORK

JURISDICTIONAL STATEMENT FILED OCTOBER 18, 1974
PROBABLE JURISDICTION NOTED DECEMBER 9, 1974

No. 74-5054

ANNIE TAYLOR, individually and on behalf of her minor, dependent child, MARGARET TAYLOR, CHARLOTTE OTEY, individually and on behalf of her minor, dependent child, KEVIN OTEY, ROSE HURLEY, individually and on behalf of her minor children, DOREEN HURLEY, JAMIE HURLEY and JOHN HURLEY, and on behalf of all other persons similarly situated,

Petitioners,

against

ABE LAVINE, individually and in his capacity as Commissioner of the Department of Social Services of the State of New York, JAMES M. SHUART, individually and in his capacity as Commissioner of the Nassau County Department of Social Services, BARRY VAN LARE, individually and in his capacity as Acting Commissioner of the Department of Social Services of the State of New York, and LOUIS P. KURTIS, individually and in his capacity as Commissioner of the Department of Social Services of the County of Westchester,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR CERTIORARI FILED AUGUST 2, 1974
CERTIORARI GRANTED DECEMBER 9, 1974

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preciation and profit elements, there is enough flow of funds to substantially alter their buildings.

In sum, the basic rent levels paid by welfare recipients buy relatively little in the way of housing amenity. Despite a lack of landlord input, the Rent Control Laws serve to increase welfare rents through the turnover provisions more rapidly than is the case for non-welfare tenanted buildings.

The lack of reinvestment by landlords in improvements is in part a tribute to a captive market and prejudice, but the operating profits of the heavily welfare tenanted buildings themselves are also poor.

Excerpts From *Recent Housing Trends in Westchester County*—Westchester County, 1974, Plantiffs' Exhibit "E".

As Table V indicates, the increase in median income during the sixties barely kept pace with the increase in median rents and median home value during the decade. Housing costs increased twice as fast as prices in general.

TABLE V

RELATIVE INCREASES IN HOUSING COST, GENERAL PRICES & INCOME

1950, 1960, 1970

WESTCHESTER COUNTY, NEW YORK

	1950	1960	% Increase 1950-60	1970	% Increase 60-70
MEDIAN INCOME OF FAMILIES & UNRELATED INDIVIDUALS*	$ 3,699	$ 6,823	84.5	$11,349	66.3
MEDIAN MONTHLY RENT	$ 48	$ 78	62.0	$ 129	65.4
MEDIAN HOME VALUE	$17,390	$24,200	39.3	$40,500	67.4
CONSUMER PRICE INDEX (N.Y., N.E.-N.J.) (1967—100)	71.2	87.3	21.6	119.0	36.3

* Incomes shown are from 1949, 1959 and 1969 as revealed by the 1950, 1960 and 1970 censuses.

Westchester renters spent a median of 19.5% of their incomes on rent in 1970, which despite increased incomes, was slightly above the 1960 renter expenditure in Westchester. Across all income ranges there were 45,107 households spending more than 25%* of their incomes on rent.

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* Twenty-five percent of gross income represents the maximum amount economists and housing specialists recommend a family pay for shelter.

One-third of all renters spent more than 25% of their incomes attempting to secure adequate shelter in today's housing market.

VACANCY TRENDS

The severe tightness of the Westchester housing market, evidenced by the 16% decrease in the number of vacant units, down almost 1,500 since 1960, is a major cause of rapidly rising rents and home prices. The vacancy rates in 1970 were 2.3% for rental units and 0.5% for owner occupied units.

For units renting for $100 to $150 per month or selling for less than $35,000, the vacancy rates are even lower. Studied by size and by units in the structure, the greatest shortage appears to be in rental units having 6 or 7 rooms.

TABLE VI

TENURE BY STRUCTURE TYPE*

WESTCHESTER COUNTY, NEW YORK

1960-1970

	1960	1970	*Absolute* Change	*Percent* Change
SINGLE-FAMILY OWNER	102,196	118,486	16,290	15.9
MULTI-FAMILY OWNER	21,652	27,422	5,770	26.6
SINGLE-FAMILY RENTER	13,530	9,612	–3,918	–29.0
MULTI-FAMILY RENTER	103,903	127,109	23,206	22.3
VACANT	9,211	7,748	–1,463	–15.9
TOTAL	250,492	290,377	39,885	15.9

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* Excludes seasonal dwelling units. In 1960 there were 4,274 seasonal units in the county. By 1970 there were 1,114 seasonal units, a drop largely attributable to conversion of seasonal to year-round units.

By location, the southern tier cities and communities along the Sound have the lowest vacancy rates. In general, vacancy rates are lowest for cities, villages, and towns in that order, and lower for owner-occupied units than for rental units. (See Table VIII, P. 11)

Household Submarkets

Through a number of processes, both economic and social, certain citizens are concentrated in limited areas of the county. Relatively concentrated groups are the first and second generation Italians, the Spanish language population, and persons below the poverty level. Blacks are twice as concentrated as any other large ethnic, social or economic group in Westchester.

Compared to white residents, black citizens have been found three times more often living in overcrowded housing and three times more often living in dwelling units lacking some or all plumbing facilities.

Moreover, because their incomes are lower, they spend a greater proportion of their income on rent than their white counterparts. Overall, blacks spent 27.5% of family income on rent compared to 19.1% spent by whites.

TABLE VII

Characteristics of Housing Occupied by White and Black Households

		Total Occupied Housing Units	*Units Occupied By Whites*	*Units Occupied By Blacks*
Occupied Units		282,629	257,565	25,064
Lacking Plumbing	No.	6,444	4,984	1,460
	%	2.3	1.9	5.8
Overcrowded	No.	16,402	12,635	3,767
	%	5.8	4.9	15.0
% of Income Spent on Rent*		20.0	19.1	27.5
Median Rent		$129	**	$107

Source: 1970 Census

* Calculated by dividing median rent by median income.
** Figure not given by Census. Estimated at $132-133.

Market Processes of the Existing Housing Supply

The existing stock of housing is not immutable. To some extent it does adapt to changing demands via the processes of conversion and demolition. In fact, during the periods of relatively low levels of new construction, which certain Westchester communities experienced during the 1960's and early 1970's, alteration of the existing stock became an important method of accommodating growth.

Excerpts From Recent Housing Trends in Westchester County—Westchester County, 1974.

Conversion of single family houses into structures with two or more units appears to have provided at least one-fourth of the total increase in the housing stock of the county between 1960 and 1970. While close to 20,000 single family units were built during the decade, the net increase in the single family housing stock was only a fraction over 7,000. This disparity is explained largely by conversion of older single family units to provide for two or more dwellings in the structure. As further evidence of the conversion process, the increase in the number of two family units in the county substantially

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Excerpts From Report of Housing and Rent Study Group, Temporary State Commission on Living Costs and the Economy, New York, Plaintiffs' Exhibit "F".

TABLE IV

(See opposite ☞)

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TABLE IV

INCOME OF FAMILIES IN RENTER OCCUPIED UNITS, 1970

New York Metropolitan Area

Gross Rent as percentage of Income	total		Under $5,000		$5,000 -6,999		$7,000 -9,999		$10,000 -14,999		$15,000 or more	
	#	%	#	%	#	%	#	%	#	%	#	%
Totals	2,544,344	100	925,269	100	345,650	100	452,591	100	458,198	100	362,636	100
Less than 15%	765,6[illegible]	31.33	8,384	1.02	44,399	12.85	161,152	35.61	262,760	57.3[illegible]	[illegible],981	[illegible].69
15 - 19%	407,226	16.66	30,913	3.75	94,638	27.38	126,322	27.91	109,632	23.9[illegible]	45,7[illegible]	[illegible].61
20 - 24%	278,004	11.37	58,781	7.12	79,051	22.87	77,425	17.11	48,314	10.5[illegible]	14,4[illegible]	1.98
25 - 34%	309,652	12.67	139,598	16.91	77,849	22.52	61,009	13.48	23,942	5.23	7,254	2.00
35% or more	572,279	23.41	503,329	60.99	42,859	12.40	18,702	4.13	6,010	1.31	1,379	.38
Not computed	211,507	4.56	184,264	10.21	6,854	1.98	7,981	1.76	7,540	1.64	4,868	1.34

On local home rule for control of rents:

"Such local home rule is a sound approach that should be pursued. This is an approach that I have pushed since I became a Senator, as evidenced by my legislative record. In 1969, my bill (S-55007A) to provide the City of Yonkers with the tools to set rent control regulations by City Council action was passed by the Legislature but vetoed by the Governor. In 1970, the same fate befell my bill (C-6439) to mandate rent control in uncontrolled apartments."

"While some type of home rule must be adopted, at the same time the basic question—who is to underwrite the cost of administering such rent control programs?—must be answered."

On housing courts:

"I was pleased to have co-sponsored the legislation creating the New York City Housing Court, and it is my hope that this works out well so that it can be considered as a model for statewide legislation."

"The subject of rent control is a complex item, firmly tied into the economy of our State, and I feel that such Hearings by your Commission will help in solving the problems we face in this area."

Mr. Morton Zucker:

On Westchester "Fair Rent Agreements:"

"Generally speaking this pattern was a 15% increase for 2-year leases and 20% increase for 3-year leases plus escalation for tax increases. The Phase II regulations then allowed a 5% increase on top of the renting pattern of May 15, 1971 to August 15, 1971 plus a 2½% annual increase for each year after January 1, 1972. The result was that the tenants in the five municipalities were being faced with increases running far in excess of the permitted limited inflationary increases contemplated by the Phase II rules. The five municipalities then banded together to petition the price commission for relief. At the hearings conducted by the United States Rent Advisory Board in April of 1972, relief was granted essentially for two reasons: 1) The rent pattern that had been established by the Fair Rent Agreements were recognized as not having been entered into as arms-length transactions; and 2) The Rent Advisory Board recognized that the vacancy rates in the five municipalities as evidenced by the United States Census of 1970 published in September of 1971, showed that in each of the communities the vacancy rate and rental housing was substantially below the standard used in the State of New York to establish an emergency housing condition. The state standard is 5%, the vacancy rate for White Plains was 2.2%, for Yonkers 1.9%, for New Rochelle 1.3%, for Mount Vernon 1.7%, and for Eastchester 1.1%."

"The remedy was an 8% limitation on an increase which the tenant could exercise by opting for a one-

year lease renewal. Thereafter the tenant would be subject to an annual increment of only 2½% in addition to tax escalations."

"On January 11, 1973, the President by Executive Order, terminated rent controls upon the adoption of the Phase III Price Control Regulations."

"In the City of White Plains, the landlords' association has been restricting itself to the general formula of an increase on rent renewals to be a 15% increase for two-year renewals and 20% for three-year renewals which is a formula that had been applicable to the White Plains *Fair Rent Agreement* which expired in July of 1973. Based on complaints received in the Law Department from tenants, it is believed that this is the the established pattern in the large apartment houses (post 1947 construction). The tenant complaints addressed to these increases is that their incomes have not increased sufficiently to enable them to afford high increases."

Proposal:

"It is our recommendation that the most practical method of regulating rents for post 1947 constructed housing is for New York State to adopt the federal regulations as they existed on January 11, 1973, rolling back rents to that date and allowing for the controlled increases from that date as provided in those regulations, commonly referred to as the 'Phase II Rent Regulations.'"

"Secondly, decontrol of those rents could be provided for in a systematic way by having a special housing census conducted in a manner provided by

the State Emergency Housing Rent Laws to mandate decontrol whenever the vacancy rate in a particular community drops below a fixed standard such as 5% vacancy rate."

Hon. Alfred DelBello:

On rental housing in Yonkers:

"Being involved in the 4th largest City of the State, as you well know, has varying kinds of responsibilities and problems, but I can say quite honestly that no single problem has occupied more of my time during the past four years than the housing and rental situation."

Excerpts from Residential Analysis, Westchester County, Interim Report 3—*Growth of Demand and Supply, 1970-1990,* Plaintiffs' Exhibit "G".

SUMMARY

Over the next twenty years, it is expected that the need for housing units in Westchester County will exceed by nearly 100,000 the number of units available to fill that need. This lack of equality between demand (number of households seeking units) and supply (housing units expected to be built) results in the "gap" or "deficit" of 100,000 units. Such a "gap" is only a way of looking at the future, not a firm statement about the future. If it is a county goal to achieve a projected amount of population growth, then a land use and development policy should be prepared and effectuated to make the goal an attainable one.

The alternative (scaling down of the population projections) is not a realistic approach in terms of the past trends of county development. Westchester communities are attempting to encourage non-residential land uses to locate in their jurisdictions to offset the tax burden of the residential sector. Firms finding operations in the heart of the New York Metropolitan complex difficult may consider suburban locations. The desire for such a suburban location is tempered by space requirements at reasonable cost and a labor pool sufficiently large to meet needs for blue collar, clerical, technical and administrative workers. Unless firms can be assured of finding a supply of labor to meet their needs, they may not consider suburban areas as a location.

A policy to increase the supply of housing is necessary to assure firms that Westchester County will be capable of supplying workers. If firms do not continue to move to Westchester, localities and residents will be faced with higher taxes to support public services.

Interim Report 3—Growth of Demand and Supply, 1970-1990—Westchester County.

The examination of the demand-supply relationships for housing in this report is based on two series of projections. The first is of the number of households as derived from projections of the size of population. The second is an independent projection of the number of units the private building industry may be expected to supply based on past building trends in the county. It represents an approximation of future activity if no basic changes in construction techniques and availability of land take place.

In spite of the increasing number of persons expected to be living in the county in the next ten to twenty years, the characteristics of the population are not anticipated to change markedly. The only changes are that the average age of the population in 1980 and 1990 will be slightly younger than at present, and that the older-aged population will increase in number.

The percentage of non-whites is expected to rise somewhat by 1990; the most significant increase for non-whites will be in the under 25 age group.

As a result of a decreasing average size of household, the rate of increase in the need for housing units will be larger than the rate of population growth. In areas where multi-family units account for a significant proportion of the total housing stock (the cities and major villages), there is a tendency for the average household size to be smaller than in town areas. Trends in apartment size have been correspondingly toward smaller units; few apartments are built with more than 2 bedrooms, and local practices and policies in some areas restrict multi-family unit construction to efficiency and one bedroom units.

Since less housing units are projected to be built than population projections indicate will be needed, there will be a growing deficit in the number of units available over the next 20 years. Policies are required to enable private builders and the public sector to reduce the deficit,

especially in the north and central county. In the north county, with the provision of sewers, new areas can be opened for development; in the central and south county, where many areas are already sewered, there should be a more intensive use of land and more extensive rehabilitation and redevelopment programs. There should be a shift from predominantly single family unit construction in many parts of the county (especially in the north and in sections of the central county), to multi-unit construction.

The income of Westchester households is anticipated to increase faster than either the value or rent levels of housing. However, an increasing number (though smaller on a percentage basis) of households are projected to exceed the generally accepted standard of paying more than 2.5 times their income for single family housing or over 25 percent of their income for rent. This is due, in part, to the excess of the projected need for housing over the projected availability of housing. In addition, higher income households may and do elect to occupy lower-cost housing which would otherwise have been occupied by lower income households. Accordingly, policies must be framed which both increase the supply of lower and moderate cost housing, as well on the higher priced homes and apartments.

Section I

Introduction

Independent projections of the demand for and supply of housing rarely show equality between the number of units presumed to be needed in the future and the number of units projected for construction. The divergence between the two is meaningful only if both series of projections (demand and supply) are considered as part of a policy of development. A population projection may be carried out either

as an exercise in birth, death and migration statistics, or it may be stated as a goal with action indicated to fulfill the projection. A similar statement can be made for the number of housing units projected to be constructed in the future.

For example, if demand is projected to exceed supply in the future, elimination of the resulting gap can be achieved either by increasing the supply of housing or being content with a smaller population than was anticipated. On the other hand, an excess of future supply over demand (a much less likely situation) would mean that greater efforts to attract new residents to the area should be made.

The population projections prepared by the Westchester County Department of Planning embody the current expectations for population growth in Westchester. These projections assume a moderate rate of increase in population in terms of the amount of land in the county which could be used for residential development and previous rates of migration and natural increase. Accordingly, the Westchester County Department of Planning's population projection is viewed as an attainable goal or target.

The significance of future gains in population can be seen by examining the present status of the county's labor needs in terms of the available number of workers and the impact of these needs on the housing stock. If the County's population remains relatively stable, the need for workers (professionals, technicians, clerical and service workers) will outgrow the ability of the resident labor force to supply workers. In-commuting to Westchester from other areas could help, but, only for the higher paying occupations; clerical, sales and service workers, generally will not travel in excess of 20 or 30 minutes to work.

"The possibility of curtailment of economic development because of shortages of lower and middle income workers is far from idle speculation. Many of Westchester's major

employers are already experiencing serious shortages of secretarial and clerical personnel. Unless housing opportunities for middle income families in the County are drastically increased, the shortage will inevitably grow worse. In 1968 there were approximately 52,500 secretarial and clerical jobs in the County and 140,000 women in the labor force for a ratio of 1 to 2.7. By 1985, the number of secretarial and clerical jobs will increase by 90 percent to 100,000. However, the number of women in the labor force will have increased by a much smaller figure with the result that the ratio will fall to 1 to 2. Thus today's already serious secretarial and clerical shortage will be greatly intensified. The shortages cannot be relieved by in-commuting because of the demonstrated unwillingness of women to commute long distances to work."[1]

Failure to construct an adequate supply of new housing for an increasing population creates a "seller's market" which will have a detrimental effect on the quality of the housing stock. As the housing stock ages, the physical condition of many rental units may deteriorate. With relatively few units being added to the stock, the large demand for housing will give landlords little incentive to maintain and repair their units. The costs of single family and multifamily housing will increase rapidly under the pressure of increasing demand and inadequate supply.

If the anticipated growth of the population in the county is prevented by housing shortages, one serious effect will be increased pressure on the tax structure of individual localities. As mentioned above, the supply of workers will not be sufficient to meet the needs of firms. In turn, firms may either shift their operations out of Westchester or new firms may look elsewhere to locate. The result of these de-

[1] *Westchester's Economy,* Westchester County Department of Planning, 1970.

cisions would be a contraction of the tax base of municipal governments and school districts alike. Without the tax payments of an increasing non-residential sector, home owners (and renters, through rent paid to the landlord for taxes) will have to assume a larger proportion of the property taxes. The resistance of many localities to population growth because of its supposed fiscal burden may thus have exactly the opposite effect of what is intended.

Projections of housing units and households (population) are developed in order to gauge the supply-demand relationship in the future. In most population projections, it is implicitly assumed that demand for housing will inevitably result in its supply. This is a traditional assumption and, in many cases, made with little risk of later embarrassment. In Westchester County, at the present time, it may be made only at great peril. There are forces at work which tend to threaten the likelihood of the simple maxim that demand for housing will generate a supply of housing.

Other reports in this series indicate, in detail, some of the forces affecting the housing market and attempt to assess their impact on the supply of housing. One of these reports, Interim Report No. 2, *Factors Affecting the Cost and Supply of Housing,* deals with cost and other interrelationships which serve to drive up the final price of housing. This report is based on data from builders and developers. In general, builders have been able to construct high cost housing and find buyers or renters with little difficulty. A large pool of potential demand from high income households is being generated by the exodus of both families and jobs from New York City. The desire of new residents in the New York Metropolitan Region to avoid the problems (and perceived dangers) of the City of New York also adds to demand for housing in the suburbs. These high-income households can afford $50,000 to $80,000 homes or apartments renting for $250 and more per month.

Minimum housing costs in Westchester are now at such a high level that the lower and middle income families can "demand" but cannot obtain housing at prices they can afford. This need is not being met by the private market and is only partially satisfied by the public sector.

New housing for families with annual incomes below $10,000 cannot be provided in the county under present circumstances. New single family housing costs at least $40,000 per unit while new two bedroom apartments rent for a minimum of $250 per month. Because the private building industry, by its own admission, cannot meet the needs of lower income families, the need for action is passed along to the public sector. A number of programs and procedures have been developed, but they have not as yet come close to satisfying the demand for low cost housing.

For example, Urban Renewal and construction of public housing have had little impact on the number of units available to low income households. In most instances, new units built merely replace existing units removed from the stock. The Federal Model Cities program has not been extended to all cities in the county; Mount Vernon alone has received a planning grant for a Model Cities program. The New York State Urban Development Corporation and its subsidiary, the Westchester Development Corporation, has only recently begun to consider specific action in Westchester.[1]

The State Constitution prohibits the County, as a unit of government, from taking direct action in providing housing. Moreover, local governments generally tend to be

[1] The New York State Urban Development Corporation has signed memoranda with 5 Westchester communities as well as with the County; all of these agreements involve the provision of housing.

reluctant to grant permits for low (or even moderate cost) housing in response to their residents' fears of rising municipal and school costs and the alleged destruction of the present environment and the tax abtatement such projects require.

Therefore, when lower cost housing is discussed, questions are raised, such as: "Is there any reason why Westchester County should provide a mechanism by which lower cost housing could be constructed?" and "Why can't only those families who can afford to live in Westchester County live here and those who can't, live somewhere else?" Variations are prevalent but an attempt is usually made to state the point with circumspection. As indicated earlier, the most meaningful response to such questions is that the need for workers in local firms is rapidly outgrowing the available supply. Accordingly, the supply of workers must be considered if Westchester residents wish to see a continuation of the recent rapid economic growth. It would seem reasonable to expect that most of the county's work force should be able to live in adequate housing located in the county. However, the county is oriented mostly towards housing for middle and upper income groups and cannot satisfy the housing needs of clerical, service and other lower paid workers.

An examination of the demand and supply relationships (or the lack of a relationship) is the purpose of this report. On the demand side, population forecasts (prepared by the Westchester County Department of Planning) have been used to develop projections of households by income group. For the supply of housing an independent projection of housing units, by cost levels, was prepared by the consultant.

A major change in conditions affecting either the demand or supply side of the market would call for revision

of these projections. For example, if sewer lines were extended to large areas of the North County, the supply projections would have to be revised upwards. On the other hand, if a new federal subsidy program of the magnitude of the FHA home mortgage guarantee program of the late 1940's and 1950's were to go into operation, both the demand and supply projections would need revision.

The supply projections are based on the number of units and the costs of new housing built in the 1950's and 1960's. Continuation of the past trends into the future was accomplished by examining the factors which were believed to underlie the trends. The number of units projected for the future was based on the rates of change for the most typical period in the past. The impact of the recent inflationary period in home prices and rents was softened by using data prior to the onset of the period of most rapid price increases.

Income projections were derived from the population projections. Again it was necessary to discount the rapid rise in income in the last few years to keep the cost and income projections consistent. Changes in the level of income from the 1950 to 1960 period as well as later data for Westchester and other areas were used to develop projected rates of increase.

Both the income and cost projections are given in terms of the price level for each projection year. This approach combines the real increases in value of rent or income with those of prices generally (inflation). Separation of real from absolute price increases would have greatly understated the actual dollar costs of housing, or of income earned in future years.

Section III

Projection of the Supply of Housing.

(See opposite ☞)

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SECTION III

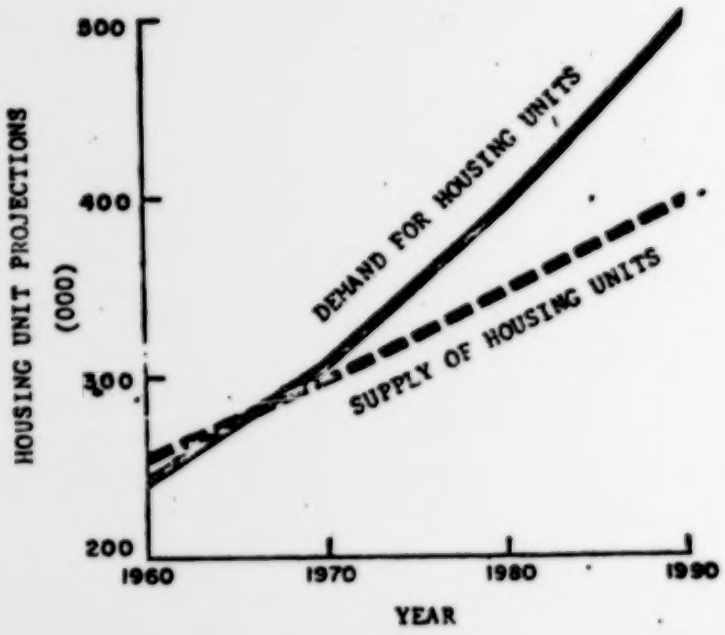
PROJECTION OF THE SUPPLY OF HOUSING

A. Projection of Housing Units:

On an overall basis, fewer housing units are projected to be built/1 than the population projections indicate will be needed (Table 9). Theoretically, there will be a "gap" of 7,700 units in 1970, rising to a "gap" of over 102,000 units by 1990/2 (Figure 5 and Table 10). Since the population projections are assumed to be the goal which should be attained, action will be necessary to make it possible for the private building industry and/or the public sector to construct the required number of units.

FIGURE 5

PROJECTED SUPPLY AND DEMAND
FOR HOUSING UNITS
WESTCHESTER COUNTY
1960 - 1990



/1 The projection of housing units is based on past building trends for each type of structure in each Planning Area in the county. They represent what the building industry in Westchester will probably produce, assuming no basic change in the conditions of supply which prevailed from 1950 to 1968.

/2 The amount of the gap is determined by subtracting the number of housing units projected to be in existence in 1990 (397,910, Table ^) from the projected number of households (500,030, Table 7) for the same year.

Table 10, Ratio of Housing Units to Household.

(See opposite ☞)

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TABLE 10

RATIO OF HOUSING UNITS TO HOUSEHOLDS /1
WESTCHESTER COUNTY, BY PLANNING AREA
1960-1990

Planning Areas:	Actual 1960	Projections 1970	1975	1980	1985	1990
Planning Area I	1.23 /2	.91	.82	.74	.72	.63
Planning Area II	1.16 /2	1.06	1.03	.99	.93	.86
Planning Area III	1.44 /2	1.07	.98	.86	.71	.58
Planning Area IV	1.05	.89	.81	.77	.73	.70
Planning Area V	1.04	.99	.95	.90	.87	.82
Planning Area VI	1.01	1.00	.97	.90	.87	.82
Planning Area VII	1.01	.99	.97	.94	.91	.87
Planning Area VIII	1.01	.97	.92	.89	.87	.85
Planning Area IX	1.02	.96	.92	.86	.82	.77
Westchester County	1.04	.97	.93	.88	.84	.80
.Shortage	+ 10,000	7,757	32,390	46,984	68,697	102,120

/1 Levels of less than 1 point towards an under-supply.
/2 These areas have a large number of seasonal units which accounts for the high initial ratio of housing units to households.

Source: U.S. Census of Population and Housing, 1960; building permit information provided by builders and estimates by consultant.

Interim Report 3—Growth of Demand and Supply, 1970-1990—Westchester County.

Specific geographic areas where public action will be needed if the population as projected is to be attained are those with the greatest divergence between the number of projected households and the number of projected housing units (Table 10). Accordingly, programs to increase housing production will be necessary in the north and parts of the central Planning Areas in the later projection years (1980, 1985, 1990). In the South County, emphasis should be placed on rehabilitation and redevelopment of areas which have relatively high density development. In the central and southern Planning Areas where there are already services available, more intensive use of land in suitable locations is consistent with the generalized development objectives as formulated by the County Planning Board. In the northern area, provision of sewers to areas not presently served, but sewerable, could "open up" large parts of the county to higher density development.

The projections of housing units envision a continued shift towards multi-family[1] units in the Central County (Planning Areas IV, V, and VI) and Southern County (Planning Areas VII, VIII and IX). Multi-family structures are projected to predominate in the southern areas; in the central Planning Areas, multi-family units as a proportion of total units will rise. (Tables 11 and 12).

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[1] Multi-family housing is considered to be any type of structure, containing two or more housing units. The projection of both single and multi-family units is based on past construction trends of each type of unit in each Planning Area in the county.

Table 11, Projected Number of Single-Family Housing Units.

(See opposite ☞)

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TABLE 11

PROJECTED NUMBER OF SINGLE-FAMILY HOUSING UNITS
WESTCHESTER COUNTY, BY PLANNING AREA
1960-1990

Planning Areas:	Actual 1960	Projections 1970	1975	1980	1985	1990
Planning Area I	15,408	19,540	21,470	23,280	25,000	26,62
Planning Area II	9,148	11,990	14,200	17,040	20,350	24,18
Planning Area III	3,504	4,830	5,750	6,850	8,130	9,58
Planning Area IV	12,335	15,380	16,860	18,420	19,900	21,46
Planning Area V	14,703	17,220	18,430	19,740	20,950	22,26
Planning Area VI	14,209	15,650	16,260	16,800	17,270	17,68
Planning Area VII	17,786	19,410	20,220	21,030	21,840	22,65
Planning Area VIII	23,240	24,720	25,450	26,190	26,900	27,66
Planning Area IX	13,741	15,590	16,520	17,440	18,370	19,29
Westchester County	124,074	144,330	155,160	166,790	178,710	191,38

Source U.S. Census of Population and Housing 1960; New York State Division of Housing and Community Renewal; and estimates by consultant.

Table 12, Projected Number of Multi-Family Housing Units.

(See opposite ☞)

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TABLE 12

PROJECTED NUMBER OF MULTI-FAMILY HOUSING UNITS
WESTCHESTER COUNTY, BY PLANNING AREA
1960-1990

Planning Areas:	Actual 1960	Projections 1970	1975	1980	1985	1990
Planning Area I	4,992	6,070	6,570	6,990	7,430	7,770
Planning Area II	1,801	2,930	3,700	4,060	4,800	5,190
Planning Area III	247	290	300	330	340	370
Planning Area IV	4,011	5,610	6,410	7,210	8,010	8,810
Planning Area V	11,097	14,130	15,990	17,160	19,020	20,190
Planning Area VI	12,162	15,780	17,980	19,390	21,590	23,000
Planning Area VII	42,981	52,880	57,830	62,780	67,730	72,680
Planning Area VIII	39,304	43,150	45,220	47,720	50,090	52,900
Planning Area IX	11,003	12,540	13,460	14,080	14,990	15,620
Westchester County	127,598	153,380	167,460	179,720	194,000	206,530

Source: U.S. Census of Population and Housing, 1960; New York State Division of Housing and Community Renewal; and estimates by consultant.

B. *The Overall Need for New Housing.*

(See opposite ☞)

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B. The Overall Need for New Housing:

The need for new housing includes demands by newly formed families, by families moving into Westchester County from other areas, and the replacement of substandard units (Table 13 and Figure 6). A minimum overall vacancy rate is assumed to be about 1 percent of the total stock of housing.

FIGURE 6

SOURCE OF DEMAND FOR NEW HOUSING UNITS
WESTCHESTER COUNTY
1960 - 1990

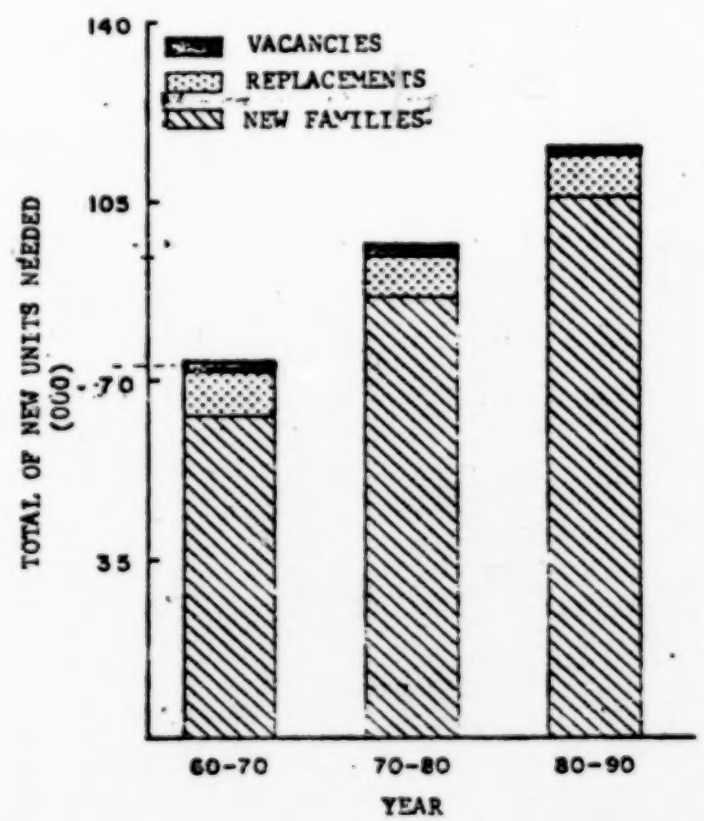

TABLE 13

SOURCE OF DEMAND FOR HOUSING UNITS

WESTCHESTER COUNTY

1970-1990

	Additional Units Needed			
Source of Demand	*1970-1974*	*1975-1979*	*1980-1984*	*1985-1990*
New Family Formation[1]	19,522	21,873	25,100	28,843
New Family Immigration[1]	22,264	24,368	22,813	29,780
Units to replace demolitions[2]	996	956	1,048	1,008
Units to replace substandard housing[3]	2,885	2,885	2,885	2,885
Vacancies[4]	249	239	262	252
Total New Units Needed	45,916	50,321	52,108	62,768

Sources:

[1] Based on population projected by Westchester County Department of Planning and projected average household size.

[2] Estimated on basis of urban renewal and highway construction relocations.

[3] Includes only those housing units substandard in 1960; any units which may become substandard are not included. U.S. Census of Housing, 1960.

[4] Assumed to be at least 1 percent of the average housing stock, for each period.

The total number of new units projected to be needed from 1970 to 1990, 211,143 (for both new families and as replacements) exceeds the projected increase in supply of 110,200 units by 100,943 units[1] (Tables 9 and 13). Most new construction has taken place in areas of the county where there is relatively little need for replacement of units. Replacement housing needs in the south and parts of the central Planning Areas are not being satisfied. In the cities where urban renewal has resulted in the demolition of units, efforts have been made to find standard condition relocation housing at cost levels which could be paid by the relocatees. Relocation remains complicated by the fact that a sufficient supply of new housing is not available[2]. To replace substandard units (not including urban renewal), additional new units will be required. Demolition (and an equal level of new construction) of all substandard units (17,310 in 1960 and an estimated 17,500 in 1970[3]) has been assumed to take place from 1970 to 1990

[1] The projected overall demand for 211,143 units from 1970 to 1990 (Table 13), less the projected overall increase of 16,550 in the number of units to be replaced during the same period (also from Table 13) is 194,563 units. The result is the same as subtracting the projected number of households in 1970 from the projected number of households in 1990, 305,467 from 500,030 (Table 7). Adding back the 16,550 units needed for replacement of existing units, gives a total need of 211,143 units. Of this total, 110,200 units are projected to be built by the private construction industry leaving a "deficit" of 100,943 units if the projected number of households is to be attained.

[2] In many cases, just providing new housing would not be satisfactory for relocation needs because the rent levels or purchase prices would be too high for relocated families to absorb. Some type of public subsidy would be necessary for most of the families (or housing units).

[3] Data from the 1968 Household Survey indicate that residents classify 5.9 percent of all units in "poor" or "bad" condition. This percentage, multiplied by 298,000, the estimated 1970 number of housing units, yields the estimate of 17,500 units.

(Table 13). If replacement is accelerated, a larger number of new units in the earlier years would be required. The replacement needs from 1970 to 1990 are understated to the extent that no account is taken of additional units which may fall into substandard condition after 1970.

D. *Additional Housing Units Needed to Meet Demands:*

The gap between the demand for housing and the projected supply of units is based on the assumptions that Westchester will attain its projected level of population and that the private construction industry will continue to construct housing at rates indicated by its past performance. These two conditions assume a responsibility by all levels of the public sector (the county, as well as individual municipalities) in providing leadership in attaining the projected population through increased construction of housing units.

Needs for additional housing units have been mentioned earlier. The breakdown of the units needed into single and multi-family and then by cost level is an indication of the extent of the problem and the type of action needed. About half the units needed (over and above the projected supply) will be single family homes (Table 18). The number of such additional units needed is anticipated to rise from 3,750 in 1970 to nearly 49,000 by 1990. Both relatively inexpensive homes (selling for less than $30,000) and expensive units (over $50,000) will be needed during the 1970 to 1990 period. Extrapolating the estimated minimum construction cost of $40,000 in 1970, $65,000 in 1980, and $100,000 in 1990 reveals that an additional 2,000 single family units below the minimum market cost level are needed in 1970. This number will rise to 11,500 in 1980 and 26,000 in 1990. However, the private construction

industry will not be able to build units below these price levels unless there is a major cost reduction in construction.

The additional need for multi-family units, in excess of the projected construction level, will be slightly greater than that for single family homes. A gap of about 4,000 rental units is estimated in 1970, 23,000 in 1980, and 53,000 in 1990 (Table 19). In 1970, units in all price ranges from less than $80 to over $300 will be needed. About 3,500 additional units in 1970 should be available to rent for less than $250 a month, about the minimum rental for new two bedroom units. In 1980, about 15,500 rental units costing less than $300 will be needed above the number projected to be built. By 1990, approximately 27,000 units which will rent for less than $400 will be needed.

Local builders, on the basis of past trends, will be able to construct housing which about 80 percent of the projected population in 1990 can afford. The additional 20 percent or 100,000 units needed by 1990 can be built only if there is some type of public action. Public sector involvement ranges from willingness on the part of some (or all) municipalities to permit higher density single family housing to the construction of more public housing units. Intermediate steps are granting of tax abatements, permits for multi-unit construction in areas where they would be consistent with the overall development of the county, or sponsorship of rent supplement and other federal housing programs. On its part, the county can encourage the use of land available and suitable multi-unit housing.[1]

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[1] See Interim Report 2, *Factors Affecting the Cost and Supply of Housing*, pages 55 through 73 for the role of the County in providing roads, water and sewage disposal.

B. *Housing Cost to Income Relationships:*

The amount of household income spent for housing is an indication of the balance between the supply and demand factors in the market. If rent to income and value to income ratios are excessive[1], over 25 percent, and more than 2.5, respectively, some households may be assumed to be living in housing that is priced above their means or are forced to allocate income to housing which should be used for other purposes. On the other hand, rent income ratios below 25 percent and value income ratios below 2.5 times income may be an indication that households have sufficient income to meet their housing needs.

In order to determine the ability of Westchester County household to spend income for housing, rent and value income ratios have been projected into the future by income group. These projections are based on the income projections discussed in the preceding section and also on the relationship between projected median income and projected median rent and value. Initial rent and value income ratios by income group, used as starting points for the projections, were developed from the 1968 Westchester County Household Survey data, and the U. S. Census of Housing for 1960.

On an overall basis, the rent-income and value-income ratios are projected to decline assuming that household

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[1] Rent-income and value-income ratios depict the relationship between the monthly rental cost of rental housing and the value (selling price) of single family housing and household income. Rent-income is calculated by dividing annual rent by income; value-income is determined by dividing value by household income.

income, rents and values continue to increase at their present rates. A decline also takes place for particular income groups as the level of income for the group rises over time. Accordingly, the "low" income group in 1960, 1970, 1980 and 1990 will have a successively lower value (or rent) to income ratio. The same situation holds, although at different income levels, for the moderate, middle and upper income groups. (Figure 8)

Figure 8, Cost of Housing to Income Relationships.

(See opposite ☞)

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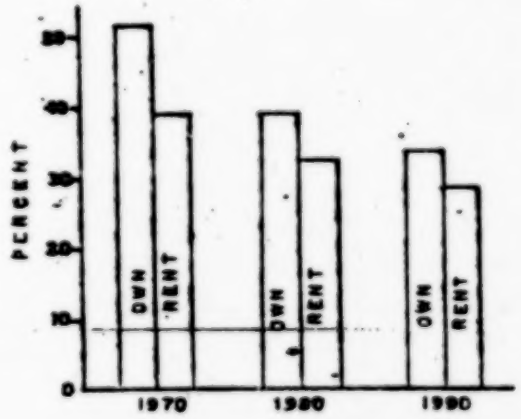
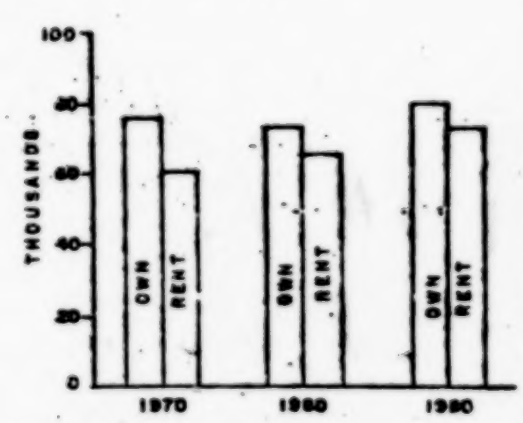
Although a decline in rent-income and value-income ratios is projected, it must be realized that large segments of both the home-owning and renting population will still be spending excessive percentages of their incomes for housing. In fact, because of the county's population growth, the absolute number of families spending more than 25 percent of their income on housing will actually increase although the proportion of such households will decline.

FIGURE 8

COST OF HOUSING TO
INCOME RELATIONSHIPS
WESTCHESTER COUNTY
1970 - 1990



Percent of households paying more than 25 percent of income for rent or owning houses valued at more than 2.5 times yearly income.



Number of households paying more than 25 percent of income for rent or owning houses valued at more than 2.5 times yearly income.

However, projected white and non-white value and rent income ratios by income group indicate that the ratios will rise over the 1970 to 1990 period for the same income group (holding the level of income constant). (Tables 24 through 27) For example, the white (or non-white) $10,000 to 14,990 income group will have a higher rent (or value) income ratio in 1990 than in 1970. Moving to successively higher income groups, the rent or value to income ratio will be less than for the preceding lower-income group.

The cost to income relationship, as discussed earlier, indicates the need for housing priced at a level which will permit owners

and renters to satisfy their housing needs without spending more than 25 percent of their income for rent or more than 2.5 times their income for housing. For renter households paying in excess of 25 percent of their income for rent, subsidy programs which have been designed to supplement rent payments may be needed. For owner households with a greater than 2.5 to 1 ratio of housing cost to income, equivalent supplementation may also be called for. However, the existence of high value-income ratios may "force" households who would prefer to own, to seek rental quarters. This potential shift of households with high value-income ratios from sale housing to rental units would serve to increase the demand for rental units further, possibly driving the monthly rental to a higher level and thus increasing the difficulty of finding rental housing.

Translating these concepts to numbers of housing units and households cannot be accomplished on a precise basis. "Nothing prevents a household which could afford to rent a $250 a month apartment from renting a $200 a month apartment. The same applies to purchasing a house. This situation always works to the disadvantage of the lower income household which may eventually be 'squeezed out' of the market. Combined with the potential increase in demand for multi-family housing from households who cannot find single family housing, the plight of the low-income households becomes very serious."

Under conditions of an inadequate supply of low cost housing, existing units may be allowed to fall into disrepair because there is no reason to maintain them. If one tenant leaves an apartment, another will move in to replace him, perhaps at a higher rent level.

An examination of rent-income, value-income ratios and the rates of increase in the number and cost levels of units in the future will indicate whether or not the situation is

improving. If there is a continuous decline in the number of housing units built, and costs continue to rise, the situation will become progressively worse. Higher income groups will begin to be affected and the private market may not be able to reverse the trend without massive public assistance. This could occur because higher income households might elect to pay lower rents and buy cheaper housing than might be expected. Occupancy of rental housing priced below 25 percent of income or single family units selling above 2.5 times income by higher income households would reduce the number of units which could be occupied by lower income households. The only mitigating factor would be injection of public funds to support lower housing costs, supplement rents or subsidize interest payments.

The need for new housing, improvement of the existing stock of housing, and policies regarding use of vacant land must be considered as an interrelated network. For this reason, detailing of the recommendation and choices of policies is postponed until the analysis of all aspects of housing is complete.

Excerpts From Residential Analysis, Westchester County, Interim Report 5—Housing Requirements: Sub-market Household Groups, Plaintiffs' Exhibit "H".

SUMMARY

Six groups of households are included in the analysis of housing problems, resident attitudes, and projected housing needs. The information on the characteristics and attitudes of the sub-group households is drawn from the household survey conducted in 1968. The six sub-groups are:

(1) low income households (less than $5,000 income in 1970 and the same percentage share of all households for 1980 and 1990);

(2) moderate income households ($5,000 to $9,999 income in 1970 and the same percentage share of all households for 1980 and 1990);

(3) middle income households ($10,000 to $19,999 income in 1970 and the same percentage share of all households for 1980 and 1990);

(4) elderly households (head of household 65 years old or over in 1970, 1980, and 1990);

(5) large households (six or more related persons living in the same housing unit in 1970, 1980, and 1990).

(6) non-white households (head or spouse of head non-white in 1970, 1980, and 1990).

The so called "sub-group" household categories are not mutually exclusive. The same household could be part of from two to four sub-groups. There is known to be considerable overlapping of the low income and elderly sub-groups and also of non-white and low income household

Interim Report 5—Housing Requirements: Sub-market Household Groups—Westchester County.

groups. The three income categories (low, moderate, and middle) are mutually exclusive in any one year, but not over time.

The following summaries or profiles of the households in each group supplements the longer discussion in the body of the report. In this summary each group is presented separately, while in the body of the report the analysis is compared for all groups. This dual approach presents two points of view: A concise "picture" or "profile" of each group and then a more lengthy treatment of the same groups, emphasizing similarities and differences among the groups.

Low Income Households

Low income households are comprised of a small number of persons (median 1.7), reflecting the median age of all heads (male or female) of 60 years. Slightly over half have a male head. About 60 percent of low income households are white. Household income was a median of $3,100 with approximately a quarter of all households receiving public assistance.

Nearly a fifth of the households lived in owned single family housing with a median value of $31,200. Those low income owner households who had a mortgage paid a median of $123 monthly. The remaining 80 percent of the households rented and paid $98 monthly for rent and utilities. The proportion of income spent for housing was higher for owner households than for renter, medians of 47.6 percent compared to 37.9 percent. The value of owned single family homes is 10 times household income. About 40 percent of all low income households had moved to their present unit within the past three years.

Roughly 15 percent of the low income households reported their unit in "poor" or "bad" condition. A larger

share, 28 percent of the households planned to move within one year. Approximately 30 percent would prefer to own if they moved, the remainder renting. Two-thirds of the low income households would prefer to move to another location in the community (town, village or city) in which they presently reside.

Housebreaking is feared by 60 percent of all low income residents. A third also are isolated from the community and their own neighborhood and families. In addition, low income households report a lack of police protection, parking spaces in the neighborhood and indoor as well as outdoor recreation facilities. Major neighborhood and social problems are reported to be petty crime, lack of care for the elderly, lack of homes for illegitimate children, care for the handicapped, lack of day care centers, juvenile delinquency, drug addiction, and discrimination in housing. In addition, more than 60 percent of the low income households feel that local government officials and agencies are not trying to solve problems of discrimination in housing and lack of day care facilities.

The number of low income households is projected to increase by 66 percent over the 1970 to 1990 period. Since low income is, by definition, relative, the share of the county's population classified as low income remains constant, but the number of such households rises as population increases. In 1990, low income households are projected to have median income of $8,400 and be able to pay $21,000 for a single family home or monthly rent of $202. Both of these levels, but especially the amount to be spent for single family homes, are below the projected prices of homes for 1990.

Moderate Income Households

These households had a median of 3 persons, and over 85 percent had a male head. All heads for moderate income households, regardless of sex, had a median age of 41 years; over three-quarters of the total where white households. Median household income was $7,900, with about 3 percent listing public assistance as a source of income.

Nearly 30 percent of the moderate income households live in single family homes; a slightly larger share, 34 percent, own their unit. The difference is made up of households owning 2 or more family houses or possibly a unit in a cooperative apartment complex. Monthly payments made by those who own and have mortgages is $155 (median level) while all owner occupied homes are valued by their occupants at $28,700. These cost levels reflect a monthly payment to income ratio of 23.5% and a value to income ratio of 3.6 times income. The two-thirds of the moderate income households who rent pay a median of $118 monthly and have a rent to income ratio of 17.9 percent. About 30 percent of the moderate income households have moved from a different house within the past three years.

A tenth of the units occupied by moderate income households were reported in "poor" or "bad" condition, while about a fifth of the households planned to move within a year. Slightly less than 60 perecnt would like to own if they moved. About half would prefer to remain in the same town, village, or city.

About 75 percent feel their home is safe from housebreakers, while some 17 percent indicated they were alienated from the community. The major service or facility which moderate income households reported was lacking was recreational facilities (both indoor and outdoors). Moreover, households reported that juvenile delinquency, drug addiction and petty crime were problems in their areas. At least 60 perecnt of the moderate income house-

holds mentioned care for elderly persons, discrimination in housing and employment and day care centers as problems which local government units were not trying to solve.

The number of moderate income households has been projected to increase by 63 percent from 1970 to 1990. In the latter year, the median annual income of these households may reach a level of $23,700. Translating income to purchase price and rent level of housing, moderate income households in 1990 could afford a $59,000 single family home or an apartment renting for more than $400 monthly.

Middle Income Households

The median household size for middle income households is 3.6 persons. Over 95 percent of these households have a male head and all heads (either male or female) have a median age of 42 years. Nearly 95 percent of the middle income households are white. The median household income earned by all households is approximately $13,000, with less than half of one percent receiving public assistance.

Nearly 70 percent of the middle income households live in single family units; a slightly larger proportion, 74 percent, own the unit they live in. Monthly payments for owners averaged $191 while the reported median value was $34,700. In relation to household income, owners had a monthly payment to income percentage of 17 and a value-income ratio of 2.6. Renters paid a lower monthly rent, and a slightly lower rent to income percentage, 14 percent.

Less than 3 percent of middle income households reported that their unit was in "poor" or "bad" condition. A much larger proportion, 17 percent, replied they would move to a different house within a year. About 38 percent

of all residents in the middle income group would stay within the same area or community if they moved to a different unit. About 80 percent of the middle income households would own if they changed residences.

Seven-tenths of the households feel safe from housebreakers in their present area of residence. Less than 6 percent feel alienated from society in general or their particular community. Dissatisfaction was voiced over the lack of nearby indoor and outdoor recreation facilities. Middle income households did report drug addiction, petty crimes and care for the elderly and handicapped as problems in their areas. In addition, at least 60 percent felt thta local government was not doing enough to solve problems for elderly persons needing care, discrimination in housing, care for physically handicapped, and provision of day care centers.

Over the two decades 1970 to 1980 and 1980 to 1990, the number of middle income households is projected to increase by 63 percent over the estimated 1970 level. At the end of this period, 1990, median household income is projected to be $40,600, while the median value of houses which could be occupied and rent levels which could be paid are projected as $101,700 and over $400 per month, respectively.

Elderly Households

Half of the households headed by an individual over age 65 have less than 1.7 persons. Seven-tenths of all elderly households are headed by a male; about 4 percent of the households receive public assistance; 90 percent of the elderly households are composed of whites; median income of elderly households was $5,400.

Less than half of the elderly households, 46 percent, live in a single family house; however, 56 percent own

their unit. For the owners with mortgages, the median monthly payment is $147, about 33 percent of their monthly income. The median value of single family homes is reported as $34,000, or 6.3 times annual income. For the elderly households which rented, the median monthly rent was $105 or about 23 percent of monthly income.

Nearly 6 percent of the housing occupied by elderly households was classified as in "poor" or "bad" condition. Eighteen percent of the elderly households planned to move in the year following the interview while 15 percent reported they had moved during the three preceding years. About two-fifths of all households would prefer to own if they moved; 63 percent would like to stay in the same community as they presently live.

Over two-thirds (69 percent) of the respondents from elderly households feel safe from housebreakers. However, about 15 percent of the households indicated they were relatively isolated from society and the community. The major service lacking in the areas where elderly households reside is recreation (indoor and outdoor). In addition, petty crime is reported as a problem in the neighborhood. Moreover, elderly households feel local government is not doing enough to solve the problem of discrimination in employment.

The number of elderly households is projected to grow by nearly 50 percent by 1990. By this terminal year, elderly households are projected to have a median income of $18,800 and occupy either single family housing costing a median of $44,500 or rental units at a median rent level of $375 per month.

Large Households

Large households have a median of 6.9 persons. Ninety-three percent of the large households have a male head; the median age of all heads (male or female) is slightly

over 40 years old. A little less than 8 percent of the large households receive public assistance as a source of income. The median income for all these households was $11,300 in 1968. About 85 percent of the large households are white.

Nearly 70 percent of the large households lived in a single family home and approximately the same proportion owned their unit. For the owner households, with a mortgage, the median monthly payment was $191, while the median value of all single family housing occupied by large households was $37,200. Relating these costs to income results in monthly payment to income ratio of 20.2 percent and a value to income ratio of 3.3. Large households which rented their quarters paid $130 monthly for a rent-income ratio of 13.8 percent.

About 4 percent of the large households reported their unit was in "poor" or "bad" condition. Nearly a quarter of the residents had moved to their present home within the past three years and about 20 percent plan to move to a different home within one year. Slightly less than 80 percent of the large households would own if they moved; about half of all movers would relocate in the same community.

Seven-tenths of the large households feel their home is safe from housebreakers. Other problems mentioned were lack of recreation services, drug addiction and need for family planning services. Local government, in the opinion of at least 60 percent of the large households, was not doing enough to solve the problem of lack of day care centers. In spite of these problems or lack of facilities, only 13 percent of the large households indicated alienation from society in general or from their community in particular.

The number of large households is projected to rise by 50 percent during the 1970 to 1990 period. By the ter-

minal year, the median household income will be a projected $23,600 and owner households could afford to purchase an $83,000 single family house. Renters could afford an apartment costing more than $400 a month.

Non-White Households

Half of the non-white households have more than 3.3 persons per household, while about two-thirds have a male head. The median age of the head (either male or female) is 40 years. Over a third of the non-white households receive funds from public assistance as part of their total household income. Median income for all non-white households was $6,200 in 1968.

Slightly less than a quarter of the non-whites live in a single family unit while an even smaller share (16 percent) own their home. This distinction indicates that some non-white households are renting single family units. All renters, as a group, pay a median rent of $114 or 22 percent of their monthly income. On the other hand, owners with mortgages pay median monthly payments of $175. All non-white households living in single family units valued their home at a median of $30,700.

Nearly 20 percent of the non-white households reported their unit was in "poor" or "bad" condition. About 43 percent of all non-white households moved to their present unit within the three years previous to the interview while nearly 32 percent plan to move within a year after the interview. For those who would move, 45 percent indicated they pefer to own. About 60 percent would like to remain in the same area in which they presently live.

Non-white households reported a lack of parking spaces and recreation facilities in their neighborhoods. In addition, they mentioned drug addiction, petty crimes, juvenile delinquency, discrimination in housing and unemployment

as problems in their areas. At least 60 percent of the non-white households felt that local government was not trying to solve mental illness, care for elderly persons, housing and employment discrimination and lack of day care centers problems. Direct contact between the non-white households interviewed and the remainder of society and the community in which they resided is not prevalent for 36 percent of households. These 36 percent report high alienation from the surroundings, indicative of the social and environmental isolation of at least some of the non-white households.

From 1970 to 1990, the number of non-white households is projected to increase by 113 percent. By the terminal year, non-white households, as a group, are projected to have a median income of $32,200. This implies the ability to own an $80,800 single family home or to rent an apartment costing more than $400 per month.

These condensed profiles of the six types of sub-group households are a first approximation of the characteristics, attitudes, and problems of the groups. Even though specific programs tailored to the various sub-group household problems and circumstances is postponed until a later report, there are several areas of problems and overall conditions which form the framework for programs:

(1) Although low income and non-white households differ in household characteristics, the housing occupied by these two groups appears to be similar. However, poor environmental or poor social conditions are not limited solely to low income and non-white households.

(2) Based on the attitudes of residents, housing problems (the condition of the unit, the amount of rent paid) are not as important as the more general neighborhood or community problems (drug

addiction, petty crime, juvenile delinquency, lack of recreation).

(3) The lack of involvement in the community (as indicated by high anomie), the relatively high rate of moving, on the part of low and non-white households, increases the difficulty of "reaching" some of these households to affect change. In addition, there appears to be little support for self-generated programs when a high degree of isolation is prevalent.

(4) Elderly and large households have more of a problem with housing than with their environment due to their particular needs for specific types of units. Elderly households need cheaper multi-unit housing while large households seek large single family homes.

(5) Moderate and middle income households share some of the difficulties in finding a home at costs they can afford and also feel the need for improvements in community services (recreation) and elimination of problems such as petty crime, drug addiction and care for the elderly.

Figure 2, Median Persons Per Household.

(See opposite ☞)

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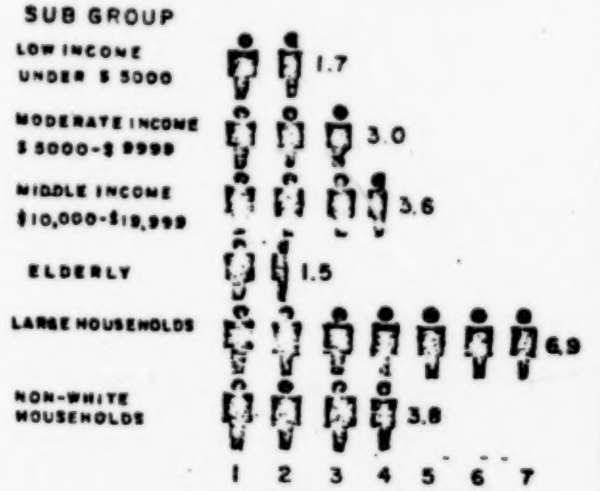
FIGURE 2

MEDIAN PERSONS PER HOUSEHOLD
BY SUB-MARKET GROUPS, 1968



The median number of persons in households is smallest in low income and elderly households.

Information gathered in the household survey relating to the characteristics of housing units points toward specific needs of particular sub-groups. These data reveal the general similarity among all sub-group housing units.

(1) only large households have a persons per room ratio of greater than 1.0, indicating overcrowding;

(2) low and middle income, and non-white households are more likely to rent their quarters and live in high rise buildings;

(3) low income households have a median rent to income ratio of 38 percent, well over the 25 percent "normal" levels;

Figure 3, Median Household Income.

(See opposite ☞)

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(4) low income, elderly, and non-white households all have median monthly payment ratios in excess of 25 percent of their income;

(5) median value of home to income ratios of greater than 2.5 are reported by all types of households, but low income, elderly, and non-white owners have ratios of 5.0 or more;

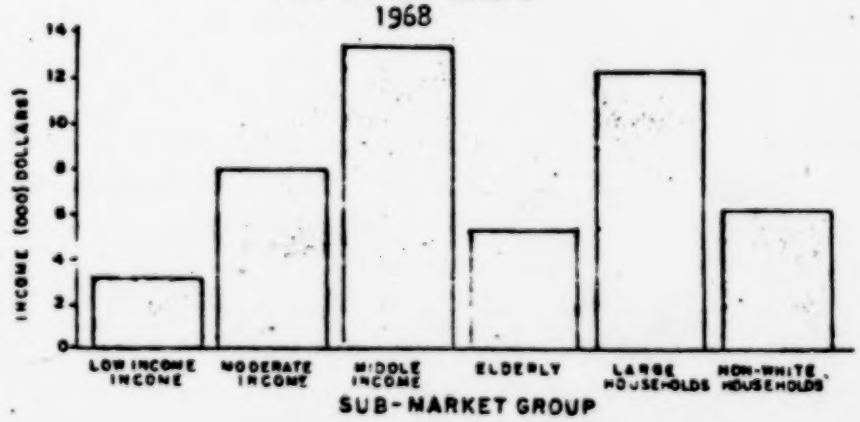
(6) low income and non-white households are the most mobile of the sub-groups;

(7) non-white households moved from out of New York State to Westchester County to a greater extent than other sub-group households (Table 12).

The excessive rent, monthly payment, and value to income ratios indicate the generally high cost of housing in the County. While the sub-groups with lower incomes are at a greater relative disadvantage, all sub-market groups are confronted with high priced housing (Figure 4). Since the monthly payment to income ratio is always larger than the rent to income ratio, housing expenses appear to fall more heavily on households who own compared to those who rent.

FIGURE 3

MEDIAN HOUSEHOLD INCOME OF SUB-MARKET GROUPS 1968



Middle income and large households have the highest median household incomes, $13,400 and $11,300, respectively.

Elderly, large and non-white households will be able to afford higher rent payments than low income households. By 1980, elderly households are projected to be able to pay a median of $222 for their rental units while both large households and non-white households will pay over this amount, $400 and $362, respectively.

For the 1980 to 1990 period, rents for all sub-groups will continue to rise as income increases. Low income households are projected to be able to pay a maximum of $308 (with a median rent of $202) while the middle income households could spend at least $650. Moderate income households could afford rents between these two extremes on a monthly basis. Elderly, large and non-white households are also projected to be able to pay a median rent of about $400 monthly in 1990 (Table 19).

B. *Availability of Housing for Sub-group Households*

The need for housing suitable for sub-group households has been examined in terms of the present and future characteristics of these households and the housing they occupy; the remaining aspect is the availability of units. From 1970 to 1980, the number of single family units available has been projected to rise from a total of 144,330 to 166,790.[1] The number of units projected to be available at different values is compared to the number of households in each sub-group able to afford the values. Two distributions of the need for units is presented on the following tables. The first assumption is that, the preferences of the sub-group households as expressed in the household survey and shown in Table 18 are the basis for the needs for housing. The second assumption is that

[1] Interim Report #3, *Growth of Demand and Supply, 1970-1990,* Westchester County Department of Planning, 1970, Table 14.

there will be no change in the overall tenure status (type of structure)[2] from 1968 to 1990. These two approaches to the needs for future housing depict different needs for units. Generally, the preferences approach yields more of a need for single family housing in the future (1980 and 1990) than does the continuation of the 1968 tenure status approach (Tables 20 through 23). On the other hand, continuation of the 1968 tenure status results in a larger need for multi-unit housing compared to the preferences approach.

While it is possible (indeed likely), that neither of these two assumptions are accurate projections of the type of structure-tenure needs of sub-group households, both indicate the need for additional construction of lower cost housing in both 1980 and 1990. In 1980, at the minimum, using the preferences assumption, there is projected to be an under supply of at least 4,000 single family units. On the other hand, under the tenure assumption no undersupply is projected for single family units for 1980 (Table 20). Using the preferences data as indicative of the minimum needs results in an over-supply of multi-family units renting for less than $159, but under the tenure assumption, there is a slight undersupply of these low-rent units,[1] (Table 21).

By 1990, the shortage of both lower cost single and multi-family housing units persists under either assumption

[2] For the purposes of these calculations an owner is assumed to occupy a single family unit while renters are assumed to live in multi-unit structures.

[1] Even though the table entries can not be added vertically, it is possible to form conclusions regarding deficits or surpluses due to the needs of the low, moderate and middle income groups. These three components are mutually exclusive compared to each other, but not with regard to the elderly, large, and non-white households.

concerning demand (Tables 22 and 23). If the demand is based on preferences, the shortage will be smaller for multi-family units renting for less than $150 by low income households than if the assumption utilizing the 1968 tenure distribution comes to fruition. The projected shortage of single family housing selling for less than $30,000 will be more extreme under the preference assumption compared to a continuation of the 1968 tenure status to 1990.

In both 1980 and 1990, there are several factors which can have an impact on the demand-supply balance. These factors will tend to obscure the specific relationships between the need for housing at a certain cost level and the supply of housing at that cost level. The first factor is that households which have occupied their unit for a long period of time, 10 or 20 years, may have a low value or rent to income ratio. For example, a household earning $6,000 and purchasing a home in the early 1950's for $15,000 would have had a 2.5 value to income ratio. If by 1970 their income had risen to $15,000, but the market value of their home was placed at $30,000 their current value to income ratio would be 2.00, a drop from the 1950 level. This household would be assumed to be able to

Table 20.

(See opposite ☞)

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TABLE 20

AVAILABILITY AND NEEDS OF SUB-GROUP HOUSEHOLDS FOR SINGLE FAMILY UNITS, BY VALUE LEVEL WESTCHESTER COUNTY, 1980

Assuming Resident's Preferences are Fulfilled

	Value of House* (In thousands)				
Type of Household	Less than $30.0	$30.0 to $49.9	$50.0 to $74.9	$75.0 to $99.9	$100.0 or more
Low income	15,557	---	---	---	---
Moderate income	18,250	31,640	---	---	---
Middle income	---	18,031	63,763	---	---
Elderly	14,800	6,028	3,229	1,615	1,738
Large households	5,448	7,028	6,528	2,929	3,674
Non-white	5,105	4,954	4,168	1,172	1,339
Assuming no change in the 1968 distribution by tenure status					
Low income	10,042	---	---	---	---
Moderate income	6,144	10,652	---	---	---
Middle income	---	20,524	52,056	---	---
Elderly	17,040	6,978	3,831	1,869	1,432
Large households	4,463	5,783	5,363	2,389	2,997
Non-white	1,622	1,575	1,325	372	426
Units projected to be available	19,669	47,167	41,033	30,579	28,342

*Table entries can not be added vertically.

Source: Estimates by consultant and Interim Report #3, The Growth of Demand and Supply, Westchester County Department of Planning, 1970, Table 14.

Table 21.

(See opposite ☞)

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TABLE 21

AVAILABILITY AND NEEDS OF SUB-GROUP HOUSEHOLDS
FOR MULTI-UNIT HOUSING BY RENT LEVEL
WESTCHESTER COUNTY, 1980

Assuming Resident's Preferences are Fulfilled

Type of Household	Rental Ranges*					
	Less than $150	$150 to $199	$200 to $199	$250 to $299	$300 to $399	$400 or more
Low income	26,314	5,275	---	---	---	---
Moderate income	---	3,476	7,184	7,329	10,978	---
Middle income	---	---	---	---	2,374	13,246
Elderly	9,685	3,342	2,549	2,407	3,399	6,939
Large households	539	111	366	395	805	2,603
Non-white	2,326	1,478	1,476	1,528	3,160	7,414
Assuming no change in the 1968 distribution by tenure status.						
Low income	30,908	6,196	---	---	---	---
Moderate income	---	7,447	15,391	15,701	23,521	---
Middle income	---	---	---	---	3,896	21,738
Elderly	8,236	2,842	2,167	2,046	2,890	5,900
Large households	1,056	219	724	781	1,590	5,151
Non-white	3,857	2,446	2,446	2,533	5,238	12,260
Units projected to be available	27,097	35,480	33,649	25,260	29,938	28,296

*Table entries cannot be added vertically.

*Source: Estimated by consultant and Interim Report #3, Growth of Demand and Supply: 1970-1980; Westchester County Department of Planning [illegible], Table 16.

afford a $42,500 house, but they actually occupy a $30,000 house. In terms of the value to income ratios, the $30,000 house should be occupied by a household with $12,000 income. This continued occupancy of housing by households when the household could afford a more expensive unit absorbs part of the supply of houses available for lower income households.

The second absorbing factor results from the occupancy of lower rent units by higher income households as described above. However, it is further complicated by the fact that rent control continues to keep down the rents of some units built before 1947. Again, the rent-income relationships is thrown out of alignment, resulting in households with higher income occupying units renting for less than 25 percent of their monthly income.

A third factor which complicates the supply-demand relationship for housing is the overall shortage of units for all income levels as well as the specific shortage of housing (public or private) for low income households. A final barrier is the negative attitudes of many residents of the county toward additional housing or the occupancy of existing housing by minority groups, especially if the housing is moderately priced or publicly supported.

The projected median costs of housing by Planning Area[1] indicate that in 1980 single family housing costing $50,000 or less is projected to be available in Planning Areas I, VII, and VIII. Median values of $60,000 and $70,000 are projected for Planning Areas III, IV, and V while housing in Planning Areas II, VI, IX are valued in the $80,000's and $90,000's (Table 24). In 1980, multi-unit quarters renting for medians of less than $250, are anticipated to be

[1] Prepared as part of the projections discussed in Interim Report #3, *Growth of Demand and Supply, 1970-1990,* Westchester County Department of Planning, 1970, Tables 15 and 17.

available in Planning Areas I, IV, VI, VII, and VIII. More expensive rental units (between $250 and $300 monthly rent) will be located in Planning Area IX, while units with median monthly costs of over $300 will be in Planning Areas II, III and V (Table 25).

Excerpts From Residential Analysis, Westchester County, Interim Report 7—*Welfare: Households and Housing*, Plaintiffs' Exhibit "I".

SUMMARY

Payment of shelter costs to public assistance recipients represents one of the oldest forms of direct intervention by Government in the housing market. Although the payments are direct in form, being made by the Department of Special Services, the Department is not directly involved in the market place; the payments are made directly to the recipient, who is responsible for obtaining housing through his own efforts. With a few exceptions, notably with regard to housing code enforcement, the Department of Social Services has neither the authority nor the staff to play an active role in the provision of housing for recipients.

In Westchester County, as of the spring of 1970, the public assistance caseload, totalling some 43,000 persons, was equally divided between whites and blacks. As a subgroup of the two larger groups, persons with a Spanish surname accounted for about 6 percent of all recipients.

Most (70 percent) of the recipients either came to Westchester County before 1958 or have always lived in the county. The bulk of the whites are natives of New York State. Most of the black recipients came directly from the south: Virginia, North Carolina, South Carolina, Georgia and other South Atlantic States.

Whites receiving public assistance are generally older than blacks or recipients with a Spanish surname: half of the white families and two-thirds of the black families are headed by women without mates; educational levels of heads of households are low; occupations held are those of laborers, service or household workers.

Interim Report 7—Welfare: Households and Housing—Westchester County.

The overwhelming proportion (95.3 percent) of public assistance recipients are tenants; only 5.9 percent of the whites, 3.4 percent of the blacks and 1.9 percent of respondents with a Spanish surname owned their dwelling units.

Part of the problem of public assistance recipients living in housing in poor condition lies in the responsibility for maintenance. There appears to be considerable confusion as to responsibility; thus, most recipients interviewed said that the landlord was responsible for major repairs (e.g., cracked walls, defective heating systems, etc.), for painting the outside of the building and for snow removal. On the other hand, about 25 percent of the recipients said that they were responsible for removing garbage, painting the apartment, or cleaning halls and stairways.

There is a substantial degree of overcrowding (more than one person per room) in units occupied by recipients. Nearly half of all large families of 6 or more persons lived in overcrowded units. Also, one-parent families had less bedroom space than two-parent families, even though the size of family was substantially the same for the two groups.

As mentioned above, most recipients are tenants. Their average (median) rent level is about $100 per month. Recipients, both black and white, living in public housing paid a monthly rent of $86, some $20 less per month, on the average, than that paid by recipients living in private housing units ($107).

What are the conditions of housing lived in by public assistance recipients? Responses to a personal interview survey of over 1,000 households receiving public assistance revealed the following:

Condition	Percent of Respondents Reporting Condition		
	White	Black	Spanish Surname
Lack of janitorial services	37.2	44.3	44.6
No Laundry facilities in building	65.6	70.5	77.2
No protection of front doors through a tenant-controlled buzzer system	60.4	67.5	73.7
Apartment not painted in last five years	68.7	66.3	59.6
Cracked or broken ceilings	23.2	37.3	33.9
Water leaks in walls or ceilings ..	14.5	27.2	15.8
Falling plaster from walls or ceilings	12.4	23.5	22.4
Broken steps in staircase	5.3	9.6	8.6
Lack of heat during cold weather	14.1	25.1	20.7
Rats or mice	7.9	27.4	39.7
Vermin, including roaches and ants	24.6	51.3	51.7

How people find out about housing is an important part of what kind of housing they obtain, as well as their plans for future moves. The public assistance recipient, lacking many of the "contacts" or knowledge about housing, has no entry into the formal system (real estate brokers, dealers, builders, etc.). He relies heavily instead, on friends and relatives to help him find housing. Despite exposure to public assistance, fewer than ten percent obtained their housing through the Department of Social Services. That help was not obtained from voluntary social agencies is indicated by the fact that very few of the private agencies were known to respondents. However, about 20 percent of the black respondents knew about anti-poverty groups. A further indication of the recipient lack of knowledge about the rental process is that few respondents had any information concerning the rent control status of their units.

Generally, both white and black respondents moved to Westchester only to be close to family and job opportunities. To a considerable extent, blacks rented their current housing because they "had no choice". Having chosen a unit in a particular neighborhood, most respondents would prefer to move to another house within a few blocks of their current residence or in the same community. This desire not to move very far from their present location held especially for blacks, despite the fact that more black than white respondents gave negative responses about their neighborhood: Don't like neighborhood"; "slum neighborhood"; "come only if you have to". On the other hand, while white respondents would not recommend their neighborhood to friends, many did not know where they wanted to move should they be obliged to leave their current living quarters. Whites who did state a preference, chose to remain within the same neighborhood, the same community, or elsewhere in Westchester. Some of the respondents had relatives and friends in the community or neighborhood, and had frequent contact with their relatives and friends.

As indicated above, the choice to remain in the neighborhood was despite an awareness that many problems existed in the area. These problems were identified as: Petty crime, juvenile delinquency, drug addiction, unemployment, unsupervised children, lack of day care facilities for working mothers, and out-of-wedlock children. Blacks were more aware of neighborhood problems and of job and housing discrimination than were whites.

Blacks were aware of neighborhood social problems more than whites. Blacks also did not feel that anything was

being done by public and private groups to solve these problems. On the other hand, although whites, as a group, did not indicate as many social problems, as did blacks, the whites felt that the authorities were trying to solve these problems.

While public assistance recipients generally felt anomic, that they could not hope to improve their present position, blacks had a much higher level of anomie than whites. Despite the high level of anomie, nearly half of the black families participated in the political life (political elections) of the community since, it would appear, they were seeking change in conditions; nearly a third of the blacks were involved with school and community action elections. The white respondents, on the other hand, were relatively uninvolved with such decisions.

The welfare client has little access to formal systems in housing, education and employment since he belongs to few formal organizations (professional organizations, League of Women Voters, etc.) with the exception of the Church. Instead, he is forced to rely for help on informal networks, such as friends and relatives, in order to locate housing. Frequently, such informal channels are without much influence in the welfare system since the recipient has remained for long periods of time in housing in which he is unhappy and which is reported to have many problems.

The poor receive little in the way of housing services. Often, unable because of limited resources or experience, to maintain basic housekeeping functions, welfare clients have been labeled as destructive and poor tenants. This has further deepened their feelings of rejection by society, thus resulting in high alienation.

Poor neighborhoods are not necessarily completely "disorganized" neighborhoods. The welfare client maintains complex kinship networks which operate to provide him

with considerable support, especially in time of emergency. Because of these networks which exist in his neighborhod, the welfare client, in seeking better housing is not necessarily requesting removal from neighborhood or community. Often, this means that rehabilitation of existing units is as much if not more, a prerequisite for a housing program than is clearing of sites for the construction of new units, especially if the latter involves relocation to another part of the community or to another community.

Since a minimum of a quarter of public assistance recipients have serious problems with their housing units, some 4,400 units would have to be rehabilitated or replaced. If the caseload rises by some 50 percent over the next five years, or half the rate of increase for the last five years, then by 1976, another 2,600 units would require either rehabilitation or replacement.

Number of Rooms and Number of Persons

Generally, 4.4 rooms was the median size of a unit occupied by public assistance recipients; of this number, 2.4 rooms were used as bedrooms, and the size of household averaged somewhat under 4; however, white households, containing many more elderly persons proportionately, were smaller (2.9 persons) than black families (4.1 persons). Overcrowding (more than one person per room) was substantially greater where the size of family was larger. 31.1 percent of black families reported more than one person per room, compared to 16.8 percent for whites (Table H-1). For Westchester's total renter population in 1970, the comparable figures for overcrowding were 17.7 percent for blacks and 7.4 percent for whites.

Considering overcrowding by size of family, it is apparent that overcrowding is a far greater problem for the large family, containing 6 or more persons than it is for the

smaller family. Yet, more than one out of every four middle-sized families (3 to 5 person) receiving public assistance was living in overcrowded quarters (Table H-8). More than one person per room is considered a measure for substandard housing since the housing unit then is too small to accommodate satisfactorily the number of persons occupying the unit.

Rooms without windows and kitchens without running water were the most serious deficiencies in facilities, according to recipients (Table H-9). Black families and families with a Spanish surname had the greatest incidence of missing facilities, while the poorest conditions were reported in the White Plains, Portchester, and New Rochelle areas. Generally, at least two, if not three or more, families shared kitchens and bathrooms, where these were not private and separate units (Tables H-10 and H-11).

The lack of facilities was especially significant in structures containing two or more families (Table H-12). The failure of at least half of all units to have fire escapes indicates that a serious problem would exist in event of a fire; this problem is accentuated by the fact that few multi-family units have a fire sprinkler system and about one out of every three does not have more than one exit in case of emergency[1]. As indicated in Table H-12, fire hazards are greater for black and Spanish surname respondents than for whites, although they are still serious for the latter group.

[1] Fire escapes are not necessarily required for all types of multi-unit structures; about two-thirds of respondents, however, do live in five or more family units where fire esscapes are probably called for. Sprinkler systems, also, may not be required under the housing code of the community.

Table H-1.

(See opposite ☞)

BEST COPY AVAILABLE

TABLE H-1

CHARACTERISTICS OF FAMILIES AND HOUSING UNITS OCCUPIED BY PUBLIC ASSISTANCE RECIPIENTS, BY RACE AND AREA

Race				Area					
						White Plains			
	Total	White	Black	Spanish Surname	Yonkers	Mt. Vernon	Portchester New Rochelle	North County
Number of persons (median)	3.7	2.9	3.9	4.6	3.9	3.9	3.6	2.9
Number of rooms (median)	4.4	4.2	4.4	4.3	4.5	4.4	4.3	4.2
Percent overcrowded (more than one person per room)	27.1%	16.8%	31.1%	39.2%	N.A	N.A	N.A	N.A
Number of rooms used as bedrooms (median)	2.4	2.2	2.5	2.4	2.5	2.5	2.3	2.2
Percent reporting roomers or boarders	8.2%	7.8%	9.2%	---	7.2%	8.9%	8.8%	8.1%
Percent renters	96.4%	95.1%	96.7%	98.2%	96.2%	93.8%	98.3%	96.0%
Percent in public housing	17.6%	12.1%	21.5%	8.9%	19.2%	14.6%	19.4%	13.5%
Monthly rent paid (median)	$99	$97	$99	$109	$97	$106	$97	$105
Monthly rent-public housing	$86	$73	$88	$99	N.A	N.A	N.A	N.A
Monthly rent-private housing	$106	$102	$109	$110	N.A	N.A	N.A	N.A
Percent reporting increase in rent	34.1%	38.7%	32.8%	29.3%	33.4%	34.8%	30.7%	42.8%
Percent increase in rent	15.6%	15.0%	16.3%	14.0%	14.6%	16.5%	16.2%	16.3%
Percent increase - Reporting housing	20.7%	25.0%	20.0%	20.0%	N.A	N.A	N.A	N.A
Percent increase - private housing	13.3%	12.4%	14.1%	12.5%	N.A	N.A	N.A	N.A
Years of education completed (median)	10.5	10.3	10.7	8.7	10.5	11.0	10.6	9.8

N.A. - Not available

Table H-1, Family and Housing Characteristi

Source: Household Survey, Westchester County, 1968

Interim Report 7—Welfare: Households and Housing—Westchester County.

TABLE H-8

OVERCROWDING (MORE THAN ONE PERSON PER ROOM), BY SIZE OF FAMILY AND RACE

Size of Family	*Total*	*White*	*Black*	*Spanish-Surname*
1	...	...	...	...
2	6.4	1.7	8.5	14.3
3-5	27.1	24.3	27.9	29.4
6 or more	67.2	61.0	68.3	66.7
Total	27.1	16.8	31.1	39.2

Source: Household Survey Westchester County, 1969, 1970.

Table H-9.

(See opposite ☞)

BEST COPY AVAILABLE

TABLE H-9

FACILITIES MISSING IN HOUSING UNIT
ACCORDING TO PUBLIC ASSISTANCE RECIPIENTS,
BY RACE AND AREA

Facilities Missing	Percent Reporting Problems						
	Total	Race			Area		
		White	Black	Spanish Surname	Yonkers	Mt. Vernon	White Plains Portchester New Rochelle	North County
Central heating	10.0	6.7	11.9	8.3	9.4	4.1	14.1	11.0
Hot running water	2.4	1.3	3.0	3.3	3.1	1.0	3.5	0.6
A separate and private kitchen	9.1	5.4	11.3	1.7	4.0	8.8	15.3	8.4
Rooms without windows	16.7	20.2	14.1	25.0	19.0	11.3	12.9	24.3
Kitchen without running water	19.9	17.6	19.9	35.0	18.8	23.4	20.3	18.5
Own bathroom	9.5	8.0	10.6	3.4	5.5	7.8	14.8	9.7
Electrical wall outlets	2.4	1.0	3.2	1.7	2.4	3.1	1.0	4.5

Source: Household Survey Westchester County, 1969, 1970.

Table H-10.

(See opposite ☞)

BEST COPY AVAILABLE

TABLE H-10

DISTRIBUTION OF FAMILIES SHARING KITCHEN ACCORDING TO PUBLIC ASSISTANCE RECIPIENTS, BY RACE AND AREA

Number of Families	Percent Reporting							
		Race			Area			
	Total	White	Black	Spanish Surname	Yonkers	Mt. Vernon	White Plains Portchester New Rochelle	North County
Two	50.7	37.5	53.9	---	---	64.2	50.1	20.0
Three	27.6	25.0	25.0	100.0	50.0	28.6	16.7	80.0
Four	9.2	---	11.5	---	33.3	7.2	13.9	---
Five	1.7	---	2.0	---	---	---	2.7	---
Six or more	10.8	37.5	7.6	---	16.7	---	16.6	---
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Household Survey Westchester County, 1969, 1970.

Table H-16.

(See opposite page)

BEST COPY AVAILABLE

TABLE H-16

PROBLEMS OF HOUSING UPKEEP ACCORDING TO PUBLIC ASSISTANCE RECIPIENTS, BY RACE AND AREA

	Percent Reporting Problems							
		Race			Area			
Type of Problem	Total	White	Black	Spanish Surname	Yonkers	Mt. Vernon	White Plains Portchester New Rochelle	North County
Apartment not painted in last five years	24.6	23.0	25.0	33.3	24.9	34.4	19.1	23.9
Cracked walls	40.6	32.6	45.0	39.7	47.5	43.9	33.2	35.3
Cracked or broken ceiling	32.4	23.2	37.3	33.9	37.2	35.3	28.6	27.
Water leaks in wall or ceiling	22.7	14.5	27.2	15.8	25.7	27.9	19.5	14.6
Falling plaster from ceiling or wall	20.3	12.4	23.5	22.4	22.0	23.8	19.6	11.3
Dark unlit halls	14.5	11.3	16.6	15.5	17.1	17.5	13.1	9.3
Dirty uncleaned halls	19.1	10.8	23.0	20.7	24.5	19.0	17.6	8.6
Dark unlit stairs	13.2	8.3	15.7	13.8	15.0	14.8	12.5	8.4
Broken steps in staircase	8.4	5.3	9.6	8.6	9.3	11.6	7.3	6.3
Lack of hot water for bathing purposes	13.8	9.5	16.2	10.3	15.4	16.3	13.6	7.1
Lack of heat in cold weather	21.5	14.1	25.2	20.7	25.3	24.1	21.6	9.2
Rats or mice	22.2	7.9	27.4	39.7	30.5	25.1	18.5	4.3
Vermin, including roaches and ants	43.3	24.6	51.0	51.7	55.3	50.3	37.3	14.9
Uncovered garbage in building	9.3	5.1	10.8	14.5	12.6	11.0	7.3	2.2
Garbage in street or backyard	11.6	7.5	13.3	10.9	14.1	11.7	10.1	7.4

Source: Household Survey Westchester County, 1969, 1970.

Table H-17.

(See opposite page)

BEST COPY AVAILABLE

TABLE H-17

RESPONDENTS INDICATING PROBLEMS OF HOUSING UPKEEP NOT CORRECTED
ACCORDING TO PUBLIC ASSISTANCE RECIPIENTS,
BY RACE AND AREA

	Percent Reporting Problems							
		Race			Area			
	Total	White	Black	Spanish Surname	Yonkers	Mt. Vernon	White Plains Portchester New Rochelle	North County
Unit not painted in five years	74.7	65.0	77.8	85.7	73.3	73.3	76.5	80.0
Cracked walls in apartment	72.0	66.7	73.3	78.6	71.9	76.9	70.5	69.2
Cracked or broken ceiling	76.2	75.0	77.3	69.2	76.0	74.4	78.6	76.2
Water leaks in wall or ceiling	63.5	47.1	69.2	57.1	59.8	73.0	68.3	57.1
Falling plaster from ceiling or wall	75.0	76.9	76.7	57.1	73.7	77.8	77.5	75.0
Dark unlit halls	71.3	68.8	71.2	100.0	71.1	65.0	75.0	100.0
Dirty uncleaned halls	78.3	83.3	77.1	85.7	75.0	80.7	80.0	75.0
Dark unlit stairs	76.1	50.0	80.0	100.0	74.1	73.6	73.9	100.0
Broken steps in staircase	76.1	80.0	75.7	100.0	72.2	80.0	80.0	85.7
Lack of hot water for bathing purposes	69.0	68.4	69.7	100.0	68.3	70.6	71.9	71.4
Lack of heat in cold weather	65.7	63.3	65.9	75.0	69.0	65.5	65.4	50.0
Rats or mice	64.2	60.0	66.9	58.8	67.1	63.0	66.7	33.3
Vermin, including roaches and ants	44.3	30.0	46.2	54.5	42.4	45.8	53.9	7.1
Uncovered garbage in building	83.7	85.7	83.9	75.0	87.5	71.4	81.8	---
Garbage in street or backyard	82.3	62.5	84.6	100.0	95.5	88.9	80.0	---

/1 Called to attention of landlord or landlord's representative.

Source: Household Survey Westchester County, 1969, 1970.

Table H-17, Housing Upkeep Problems As Corrected

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REASON HEAD OF FAMILY CHOSE PARTICULAR HOUSING UNIT, ACCORDING TO PUBLIC ASSISTANCE RECIPIENTS, BY RACE AND AREA

Table N-11

Reason Chosen	Percent Reporting Problems							
		Race			Area			
	Total	White	Black	Spanish Surname	Yonkers	Mt. Vernon	White Plains Portchester New Rochelle	North County
Place accepted children	1.3	1.6	1.4	---	0.1	1.3	3.1	---
Had no choice	50.6	46.5	53.6	35.3	51.5	52.7	48.9	48.6
Better place (house or unit)	20.0	14.1	21.3	29.4	20.8	28.0	16.0	16.2
Better neighborhood	3.9	5.9	2.6	7.8	5.7	4.7	1.8	1.9
Convenient	7.9	11.4	6.7	7.8	4.9	6.0	8.4	17.1
Wanted to live in project	0.8	2.2	0.4	---	0.8	0.7	1.4	---
Poor condition of previous unit	0.8	---	1.2	---	---	2.0	1.3	---
Other	12.0	15.1	10.2	15.7	12.1	2.0	16.4	15.2
Don't know	2.7	3.2	2.6	3.8	3.8	2.6	2.7	1.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Household Survey Westchester County, 1969, 1970.

Notice of Intent to Change Public Assistance Status, Plaintiffs' Exhibit "J".[*]

LOUIS P. KURTIS
COMMISSIONER

JOHN J. ALLEN
DIRECTOR

COUNTY OF WESTCHESTER
DEPARTMENT OF SOCIAL SERVICES

DIVISION OF FAMILY AND CHILD SOCIAL SERVICES
NOTICE OF INTENT TO CHANGE PUBLIC ASSISTANCE STATUS

Phyliss D'Alessio
40 S. West Street
Mt. Vernon, New York

Category and
Case No.: F-015335

Date: 1/22/73

This is to advise you that this department intends to

( ) Discontinue
(X) Reduce from $336.00 to $292.40 your Public Assistance
( ) Suspend

grant on 2/1/73 (proposed date) for the following reason(s):

Quality control reports of 10/15/72 indicates that Mr. Mattrola resides with you and your family. Therefore we are pro-rating your rent ¾ of 175 = 131.40.

[*] Repeating Exhibit "E" to D'Alessio affidavit in support of motion, pp. 53-54, *ante*.

Notice of Intent to Change Public Assistance Status.

You may have a conference at the department address noted by the number at the bottom of this page to review your case at any time before the proposed date of change in the status of your grant.

R. Goldfinger RG

(Signed) (Date)

RIGHT TO A FAIR HEARING

If you believe the status of your assistance should not be changed, you may request a state fair hearing by telephoning 212-488-6550, or by writing to Fair Hearing Section, New York State Department of Social Services, 1450 Western Avenue, Albany, New York 12203. If you request a fair hearing, a notice will be sent to you informing you of the time and place of your hearing. At the hearing, you, your attorney or other representative will have an opportunity to present relevant written and oral evidence to demonstrate why the status of your assistance should not be changed, as well as an opportunity to question any persons who appear at the hearing and present evidence against you. If you request a fair hearing before the date proposed for the change in the status of your assistance, you will continue to receive your assistance unchanged, until the fair hearing decision is issued.

Memorandum From Rachel Goldfinger to Phyllis D'Alessio, Plaintiffs' Exhibit "K".[*]

1/30/73

Dear Mrs. D'Alessio,

We are sending you an additional check of $43.60 in addition to your regular recurring grant of $292.40. For the month of February. As of March 1, 1973 we will be sending you just $292.40 per month. Perhaps this can give you some time to make the necessary adjustments.

Very truly yours,

(Mrs.) Rachel Goldfinger
(Inc. Maint. Sup.)

[*] Repeating Exhibit "F" to D'Alessio affidavit in support of motion, p. 55, *ante*.

Westchester County Maximum Shelter Allowance Schedule, Plaintiffs' Exhibit "L".

COUNTY OF WESTCHESTER
Department of Social Services
432 County Office Bldg.
White Plains, N. Y. 10491

IV. Shelter

A. *Rent*

Rent is allowed as paid, based on family or individual housing needs and on local low-cost rent levels for housing and rooms furnished and unfurnished.

(Special approval of the Administrative Supervisor, PA Section, for rent in excess of the following schedule must be requested on Form #664.)

Rent Schedule SA-9
Allowance Schedule—Unfurnished—Heat Provided
Effective 7-1-72

	*Monthly Maximum Rent**	
	With Heat	*Without Heat*
1-2 Persons, 1 room "as paid" to a maximum of	$145	$107

* Note: The determinant for approval for a monthly rent is the number of rooms in a unit and not the number of persons in a family.

The number of persons represents a guide and suggests the minimum number of persons in a family for which approval for a particular sized apartment rental is given. For example, a 5 room unit would not be approved for one person occupancy, nor should a seven person family occupying 6 rooms be approved at the rate for a 7 room unit.

1-2 Persons, 2 room studio or shared apt. "as paid" to a maximum of ..	155	118
2-3 Persons, 3 rooms (1 Bedroom) "as paid" to a maximum of	166	129
3-4 Persons, 4 rooms (2 Bedrooms) "as paid" to a maximum of	182	145
3-4 Persons, 5 rooms (2 Bedrooms) "as paid" to a maximum of	198	166
5-6 Persons, 6 rooms (3 Bedrooms) "as paid" to a maximum of	247	209
7-8 Persons, 7 rooms (4 Bedrooms) "as paid" to a maximum of	279	236
9-10 Persons, 8 rooms (5 Bedrooms) "as paid" to a maximum of	322	263
11 Persons and over, 9 rooms and over "as paid" to a maximum of ..	359	283

Water Charges

When the tenant recipient is obligated to pay for water as a separate charge, an additional allowance shall be made for the amount required to be paid.

Shelter—Living in Self-Maintaining Household

For children or adults residing with a self-maintaining non-legally responsible relative or friend, the allowance

for rent and/or shelter costs shall be computed on a pro-rated basis.

Rent—While in Medical Facility

An allowance for rent shall be made for a period not in excess of 60 days, when essential to retain a housing accommodation to which a recipient temporarily receiving care in a medical facility may return upon discharge.

Public Housing

An allowance for rent shall be made for recipients who are tenants of State or Federally-aided public housing not in excess of the following schedules:

	Monthly Rent		
Apartment Size	*State Schedule*	*New Rochelle* (Eff. 8-1-71)	*Peekskill* (Eff. 4-1-72)
"0" Bedrooms	$ 65.00	——	——
1 Bedroom	77.00	$ 84.00	$ 84.00
2 Bedrooms	90.00	99.00	99.00
3 Bedrooms	101.00	112.00	112.00
4 Bedrooms	107.00	120.00	120.00
5 Bedrooms	110.00	125.00	125.00

(NOTE: Required fees or charges shall be provided for such items as security deposit, extermination,

Westchester County Maximum Shelter Allowance Schedule.

deposit against breakage and loss, and keys. See Page A-17.)

B. *Shelter Allowance for Home Owners*

Purchase of Interest in Low-Cost Housing Development

The Administrative Supervisor may approve a grant, not to exceed $750.00 toward the purchase of an interest in a cooperative unit in the low-cost housing development. The Housing Supervisor shall first be asked to review this plan. Assignment of recipient's equity in such cooperative housing shall be required.

Carrying Charges

Property costs in lieu of rent are allowed when they are not in excess of a reasonable monthly rental. Such costs are estimated on actual bills and may include taxes, water rates, special assessments, and interest on mortgage. Fire insurance is allowed as paid when due.

Nassau County Maximum Shelter Allowance Schedule, Plaintiffs' Exhibit "M".

NASSAU COUNTY DEPARTMENT OF SOCIAL SERVICES
County Seat Drive
Mineola, L.I., N.Y.

MAXIMUM SHELTER SCHEDULE

Rent allowances shall not exceed this schedule.

Furnished Rooms

Furnished accommodations shall provide essential furniture and household equipment for daily living.

No. of Persons	*No. of Rooms*	*Inclusive Items*	*Rent Allowance*
1	1	Heat, Hot water, utilities	$110
2	1 double	"	125

Apartments and Houses

		With Heat	*Without Heat*
1–2	2–4	$145	$135
3	3–4	165	150
4	3–5	180	165
5–6	4–6	195	180
7–8	6–8	210	190
9	6–8	220	200

Add $25.00 a month for each additional person.

Hotel/Motel Accomodations

Payment for hotel or motel accomodations may be provided if approved only while other housing is unavailable. Minimum hotel/motel rates shall be paid in accordance with available facilities.

Effective 7/1/70 to present

Resume of Dr. Herbert J. Gans, Plaintiffs' Exhibit "O".

Biography and List of Publications—Herbert J. Gans

Place, Date of Birth:

Cologne, Germany; May 7, 1927, U.S. Citizen, 1945.

Education:

Ph.B., The College, University of Chicago, 1947.

M.A., Social Sciences, University of Chicago, 1950. (Thesis: Political Participation in a Suburban New Town: Park Forest, Illinois.) Phi Beta Kappa, 1950.

Ph.D., Department of City Planning, University of Pennsylvania, 1957. (Dissertation: Recreation Planning for Leisure Behavior: A Goal-Oriented Approach.)

Professional and Academic Positions:

Research Assistant, American Society of Planning Officials, Chicago, 1950.

Assistant Planner, Chicago Housing Authority, 1950-1951.

Chief Research Planner, P.A.C.E. Associates, Chicago, 1951-1952.

Field Representative, Division of Slum Clearance, U.S. Housing and Home Finance Agency, Washington, 1952-1953.

Research Associate, Institute for Urban Studies, University of Pennsylvania, 1953-1957. Lecturer, Department of City Planning, 1956-1957.

Assistant Sociologist, Department of Psychiatry, Massachusetts General Hospital and Harvard Medical School, Boston. 1957-1958. (On leave from University of Pennsylvania.)

Assistant Professor of City Planning, Institute for Urban Studies and Department of City Planning, University of Pennsylvania, 1958-1961; Lecturer, Department of Sociology, 1958-1959; Research Associate Professor of City Planning and Urban Studies, 1961-1964.

Associate Professor of Sociology and Education, Teachers College, Columbia University, 1964-1966; and Research Associate, Institute of Urban Studies, Teachers College, 1964-1965; Center for Urban Education, 1965-1966.

Senior Staff Sociologist, Center for Urban Education; and Adjunct Professor of Sociology and Education, Teachers College, Columbia University, 1966-1969.

Visiting Professor of Sociology, Columbia University, Spring 1969.

Professor of Sociology and Planning, Department of Urban Studies and Planning, M.I.T.; and Faculty Associate, M.I.T.—Harvard Joint Center for Urban Studies, 1969-1971.

Professor of Sociology, Department of Sociology, Columbia University, (Ford Foundation Chair) (1971- . Senior Research Associate, Center for Policy Research, 1971- .

Scholarly and Professional Offices:

Americal Sociological Association; Member, Council, 1968-1971.

Society for the Study of Social Problems; Chairman, Committee on Standards and Freedom of Research, Publication and Teaching, 1965-1966; Member, Executive Committee, 1968-1971.

Eastern Sociological Society; President-Elect, 1971-1972; President, 1972-1973.

Sociological Research Association; Member, 1972- .

Planners for Equal Opportunity; Board Member, 1964-1965.

Architects Renewal Committee for Harlem; Board Member, 1965-1967.

Advisory Editor: *Journal of the American Institute of Planners,* 1965- . Library of Urban Affairs, 1965- ; *Urban Life and Culture,* 1971- ; *Society* (Trans-action), 1971- ; *American Journal of Sociology,* 1972- ; *Public Opinion Quarterly,* 1972- . Journal of Communication, 1974.

Transaction, Inc. Member, Board of Directors, 1970- .

Research Grants:

Center for the Study of Leisure, University of Chicago, Summer 1957: "American Films and Television on British Screens."

National Institute of Mental Health, 1959-1960: "Characteristics and Aspirations of New Suburbanites" (Levittown study).

Annenberg School of Communications, University of Pennsylvania, 1960, for continuation of study: "American Films and Television on British Screens."

American Philosophical Society, 1961: "The Impact of Suburban Life on its Residents" (Levittown study).

Social Science Research Council, 1962: Levittown study.

Penjerdel (Pennsylvania-New Jersey-Delaware Metropolitan Project), 1962-1963: "The Origin and Development of a New Suburban Community" (Levittown study).

Urban Studies Center, Rutgers University, Senior Fellowship, Fall, 1963.

Bullitt Foundation, Seattle, 1964-1968: "The Shaping of Mass Media Content: An Analysis of the Creation and Decision-Making Processes in the Mass Media."

Ford Foundation, "Coverage of Social Issues in the News Media," 1969-1973.

National Endowment for the Humanities, "The Social Role of the News Media," 1973.

Major Consultant Activities:

Conservation Study, Metropolitan Planning and Housing Council, Chicago, 1952.

American Council to Improve Our Neighborhoods, New York, 1954, 1956.

Social Planning Division, Puerto Rico Planning Board, 1958.

Jack Meltzer Associates, Planners, Chicago, 1959, 1962.

U.S. Outdoor Recreation Resources Review Commission, Washington, 1961.

Urban Renewal Project, Menninger Foundation, 1962.

Community Progress, Inc., New Haven, 1962.

Housing and Home Finance Agency (Advisory Committee to the Administrator), 1962.

Fifth Annual Ruberoid Design Competition (Member of Jury), 1963.

Community Research and Development, Inc., Columbia, Maryland, 1963-1964.

Member, Planning Session, White House Conference to Fulfill These Rights, 1965.

Member, Seminar on Poverty, American Academy of Arts and Sciences, 1966.

Redevelopment Land Agency, Washington, D.C., 1966-1967.

Office of Social Development, Ford Foundation (Negative Income Tax Panel), 1967.

Secretary's Task Force on Exits from Poverty, Department of Health, Education and Welfare, 1967.

Department of Housing and Urban Development, Office of the Secretary, 1967.

National Advisory Commission on Civil Disorders, 1967-1968.

Wayne County Planning Commission, 1968.

Llewellyn-Davies Associates, Amherst New Town Project, 1969.

Corporation for Public Broadcasting, 1972.

North Pickering Community Development Project (Canada) 1973.

Irwin Miller Management Company, Columbus, Indiana, 1973.

Community Research and Action Laboratory, Columbia, Maryland, 1973.

PUBLICATIONS

I. *Books and Monographs*

1. *Accelerated Urban Growth in a Metropolitan Fringe Area,* Philadelphia: Institute for Urban Studies, 1953, Summary Report, pp. 82, mimeographed.
2. *American Films and Television Programs on British Screens: A Study of the Functions of American Popular Culture Abroad,* Philadelphia: Institute for Urban Studies, June, 1959, pp. 180, mimeographed.

3. *The Urban Villagers: Group and Class in the Life of Italian-Americans,* New York: Free Press, 1962, pp. 367. Paperback edition, 1965.
4. *The Levittowners: Ways of Life and Politics in a New Suburban Community,* New York: Pantheon Books, 1967, pp. 472. London: Allen Lane, The Penguin Press, 1967. Berlin: Bertelsmann Fachverlag, 1969. Vintage paperback edition, 1969. Florence: Saggiatore, 1971, Penguin Paperback, 1973.
5. *People and Plans: Essays on Urban Problems and Solutions,* New York: Basic Books, 1968, pp. 395. Paperback edition, 1971, Penguin paperback, 1972.
6. *The Uses of Television and Their Educational Implications,* New York: Center for Urban Education, June 1968, pp. 205.
7. *More Equality,* New York: Pantheon Books, 1973.
8. *Popular Culture and High Culture,* New York: Basic Books, 1974.

II. *Articles*†

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9. "Audience Preferences for 'Reality' or 'Fantasy' in Mass Media Fare," February 1967, p. 8.

10. "Some Observations on the Causes of the Riots and Their Future Prevention," August 1967, p. 13.

11. "Some Observations on Intervention and Its Strategies," presented to the H.U.D. Summer Study Conference, Berkeley, July 1968, p. 21.

12. "The Functions and Structures of Planning in Wayne County: A Proposal," prepared for the

Wayne County Planning Commission, October 1968, p. 22.

13. "The City-Wide Consequences of Reducing the Welfare Rolls," prepared for the Social Scientists Committee on Public Welfare, May 1969, p. 7.

14. "Alternative Forms of Urban Living, Old and New," prepared for the Stratford Seminar on Civic Design, June 1969, p. 6.

15. "Anger and Anxiety in the White Working Class: Some Hypotheses and Research Proposals," August 1969, p. 12.

16. "The Family Assistance Plan and the Elimination of Inequality," prepared for the hearings on Welfare Reform of the Senate Finance Committee, October 1970, p. 12.

17. "Some Observations and Proposals on the Role of Architecture in Today's America," presented to a conference on Architectural Education, Architecture League of New York, November 1971, p. 23.

18. "Sociological and Attitude Research on Equality and Redistribution," prepared for the International Sociological Association Committee on Poverty, Social Welfare and Social Policy, December 1971, p. 7.

19. "Community Involvement in American New Towns," prepared for the Nasher Company, April 1972, p. 37.

20. "The Integration of Social Policy, Social Planning and Community Organization in Social Work," presented to a Columbia University School of Social Work Seminar, May 1972, p. 33.

21. "Some Conceptual, Methodological, and Value Problems in the Historical Comparison of Cities," presented to a conference on the City in History, University of Michigan, January 1973, p. 16.

22. "Equality, Society, and Sociology," the 1973 Presidential Address presented to the Eastern Sociological Society, April 14, 1973, p. 25.

23. "Poverty, Education and Intersectoral Planning," prepared for the OECD, April 1974, p. 45.

Shelter Allowance Schedules, Defendants' Exhibit "B".

The following districts have filed as their locally established schedule, the Maximum Monthly Shelter Allowances by Family Size set forth in the attached:

effective 1974

Dutchess	4/1
Niagara	4/1
Suffolk	4/1
Sullivan	4/1
Chenango	4/1
Tompkins	4/1
Ulster	4/1
Essex	3/1
Orange	4/1
Albany	4/3
Wayne	4/10
Chautauqua	4/9
Monroe	4/1
Erie	6/1
Cattaraugus	4/1

Maximum Shelter Allowances Without Heat.

(See opposite page ☞)

BEST COPY AVAILABLE

LOCAL AGENCY MAXIMUM MONTHLY SHELTER ALLOWANCES WITHOUT HEAT BY FAMILY SIZE

	1	2	3	4	5	6	7	8+
Albany	126	151	153	153	153	153	153	153
Allegany	88	106	100	106	106	106	106	106
Broome	101	121	136	136	136	136	150	150
Cattaraugus	69	84	93	93	93	93	93	93
Cayuga	78	94	94	100	106	114	114	114
Chautauqua	75	90	90	96	96	100	107	157
Chemung	74	87	91	94	101	113	120	120
Chenango	68	83	98	98	108	108	108	121
Clinton	58	71	78	88	92	92	93	93
Columbia	108	130	130	132	132	132	132	132
Cortland	87	105	105	139	151	151	151	161
Delaware	78	95	97	97	97	97	97	102
Dutchess	113	136	143	145	155	155	155	155
Erie	113	135	135	135	137	137	137	137
Essex	74	90	90	90	90	90	90	91
Franklin	60	73	73	80	80	80	80	80
Fulton	78	91	94	97	97	97	97	97
Genesee	97	116	116	116	116	116	116	171
Greene	88	106	108	110	110	110	110	110
Hamilton	56	70	78	79	89	97	103	113
Herkimer	122	147	147	147	147	147	147	147
Jefferson	56	70	78	79	89	97	103	113
Lewis	70	85	86	88	93	95	110	111
Livingston	77	93	93	93	93	93	93	93
Madison	105	127	127	127	127	127	127	127
Monroe	120	144	152	156	157	159	162	176
Montgomery	76	92	92	92	92	92	92	127
Nassau	129	154	215	245	271	285	333	355
New York City	117	140	160	164	174	209	261	261
Niagara	91	109	114	115	124	126	165	165
Oneida	76	93	95	101	107	118	130	130
Onondaga	106	127	127	127	139	159	159	159
Ontario	106	128	128	150	131	131	131	131
Orange	115	138	145	146	154	154	154	154
Orleans	79	96	101	101	101	101	101	101
Oswego	66	81	97	97	107	107	112	112
Otsego	96	116	116	116	116	116	116	125
Putnam	118	141	146	162	162	208	208	209
Rensselaer	84	102	102	102	102	102	102	121
Rockland	145	173	217	231	267	311	340	340
St. Lawrence	83	101	102	109	109	110	110	110
Saratoga	104	125	134	141	148	148	148	148
Schenectady	92	111	113	114	125	146	146	155
Schoharie	96	116	116	116	116	116	116	125
Schuyler	105	127	127	127	127	127	127	127
Seneca	75	90	90	96	96	100	107	157
Steuben	79	95	115	115	115	116	116	132
Suffolk	186	221	233	258	267	273	275	300
Sullivan	120	144	161	169	183	204	204	204
Tioga	67	82	95	95	95	95	99	99
Tompkins	108	130	137	141	146	163	163	184
Ulster	109	134	135	140	142	158	158	159
Warren	70	85	86	88	93	95	110	111
Washington	80	97	97	98	105	106	106	114
Wayne	96	116	116	116	116	116	116	116
Westchester	155	185	226	232	287	287	343	400
Wyoming	70	85	86	88	93	95	110	111
Yates	60	73	73	80	80	80	80	80

Maximum Shelter Allowances With Heat.

(See opposite page ☞)

BEST COPY AVAILABLE

LOCAL AGENCY MAXIMUM MONTHLY SHELTER ALLOWANCES WITH HEAT BY FAMILY SIZE

	1	2	3	4	5	6	7	8+
Albany	143	168	173	180	181	182	185	186
Allegany	108	134	142	150	153	155	158	161
Broome	121	149	172	180	183	185	202	205
Cattaraugus	89	112	129	137	140	142	145	148
Cayuga	96	119	126	140	149	159	162	165
Chautauqua	88	103	104	112	113	119	126	177
Chemung	92	112	123	134	144	158	168	171
Chenango	88	111	134	142	155	157	160	170
Clinton	78	99	114	132	139	141	145	148
Columbia	126	155	162	172	175	177	180	185
Cortland	107	133	141	[illegible]	[illegible]	[illegible]	[illegible]	216
Delaware	93	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	157
[illegible]	[illegible]	161	175	[illegible]	198	200	203	206
Erie	128	119	152	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Fulton	93	122	130	141	144	146	149	152
Genesee	115	141	148	156	159	161	164	222
Greene	106	131	140	150	153	155	158	164
Hamilton	79	104	118	133	146	157	164	180
Herkimer	142	175	183	191	194	196	199	202
Jefferson	76	98	114	123	136	146	155	168
Lewis	90	113	122	132	140	144	162	166
Livingston	95	118	125	133	136	138	141	144
Madison	125	155	163	171	174	176	179	182
Monroe	136	160	174	184	187	190	196	212
Montgomery	96	120	128	136	139	141	144	182
Nassau	144	175	241	278	306	322	372	397
New York City	132	159	181	190	205	242	296	297
Niagara	104	122	130	135	146	149	190	192
Oneida	96	121	131	145	154	167	182	185
Onondaga	124	152	159	167	182	204	207	210
Ontario	124	153	160	170	174	176	179	182
Orange	133	163	177	186	197	199	202	205
Orleans	97	121	133	141	144	146	149	152
Oswego	84	106	129	137	150	152	160	163
Otsego	116	144	152	160	163	165	168	180
Putnam	136	186	178	202	205	253	256	260
Rensselaer	101	119	122	129	130	131	134	154
Rockland	160	194	243	264	302	348	379	382
St. Lawrence	103	129	138	153	156	159	162	165
Saratoga	124	153	170	185	195	197	200	203
Schenectady	109	128	133	141	153	175	178	188
Schoharie	116	144	152	160	163	165	168	180
Schuyler	123	152	159	167	170	172	175	178
Seneca	93	115	122	136	139	145	155	208
Steuben	99	123	151	159	162	165	168	187
Suffolk	201	242	259	291	302	310	314	312
Sullivan	140	172	197	213	230	253	256	259
Tioga	87	110	131	139	142	144	151	154
Tompkins	126	155	169	181	189	208	211	235
Ulster	127	156	167	180	185	203	206	210
Warren	90	113	122	130	140	144	162	166
Washington	98	122	129	138	148	151	154	165
Wayne	114	141	148	156	159	161	164	167
Westchester	170	206	252	265	322	324	387	342
Wyoming	90	113	122	132	140	144	162	166
Yates	78	96	105	120	123	125	128	131

Shelter Allowance Schedules.

RENT SCHEDULE

MONTHLY

ALLEGANY COUNTY DEPARTMENT OF SOCIAL SERVICES

EFFECTIVE MAY 3, 1972

	Unfurnished W.O. Heat	*Furnished W.O. Heat*	*Unfurnished with Heat*	*Furnished with Heat*
1-2 Rooms	50	55	60	75
3-4 Rooms	55	60	65	80
5-6 Rooms	70	80	95	110
7-8 Rooms	80	85	95	120
9-10 Rooms	85	90	95	120

Requests for rent in excess of this schedule will be maintained in a file by the case supervisor, and will require the approval of the Commissioner and the case supervisor.

Shelter Allowance Schedules.

BROOME COUNTY DEPARTMENT OF SOCIAL SERVICES
MAXIMUM SHELTER ALLOWANCE EFFECTIVE *8-1-70.*
AMENDMENT EFFECTIVE *12-1-74.*

	Rent Only	*Rent & Heat*	*With Furniture*
1 Single housekeeping room	$ 15.00 week $ 65.00 month		
2 rooms & bath	$ 70.00	$ 85.00	$100.00
3 rooms & bath	$ 90.00	$107.00	$130.00
4 rooms & bath	$105.00	$125.00	$155.00
5 rooms & bath	$115.00	$138.00	$175.00
6 rooms & bath	$120.00	$147.00	$190.00

Rents in excess will be paid up to 30 days on new applications.

After 30 days, if client has not relocated, only the maximum in the above schedule will be budgeted.

Shelter Allowance Schedules.

COUNTY OF CAYUGA
DEPARTMENT OF SOCIAL SERVICES

RECOMMENDED 1973 RENT SCHEDULE

Recommended Maximum Allowance for Rent =
$70.00 (base allowance) + $15.00 required bedroom + appropriate amount for family size based on 12 month fuel allowance (if heat and utilities are included) up to maximum of 10 persons.

No. of Persons in Family	*Adults/ Children*	*Without Heat*	*With Heat*
1	1/0	$ 85.00	$100.00
2	2/0	$ 85.00	$100.00
	1/1	$100.00	$115.00
3	2/1	$100.00	$117.00
	1/2	$100.00	$117.00
4	2/2	$100.00	$117.00
	1/3	$115.00	$132.00
5	2/3	$115.00	$135.00
	1/4	$115.00	$135.00
6	2/4	$115.00	$135.00
	1/5	$130.00	$150.00
7	2/5	$130.00	$153.00
	1/6	$130.00	$153.00
8	2/6	$130.00	$153.00
	1/7	$145.00	$168.00
9	2/7	$145.00	$171.00
	1/8	$145.00	$171.00
10	2/8	$145.00	$171.00
	1/9	$160.00	$186.00

Shelter Allowance Schedules.

CHEMUNG COUNTY
DEPARTMENT OF SOCIAL SERVICES

OFFICE PROCEDURE No. AA-3
November 13, 1972

SUBJECT: RENTAL POLICY AND ALLOWANCES

I. GENERAL POLICY:

A. The schedule of rental allowances outlined below becomes effective November 13, 1972.

B. Rental allowances are based on the number of bedrooms needed to accommodate a given family group. Consideration should be given to age and sex, as well as to the need for reasonable privacy.

C. The schedule reflects *maximum* allowances, and should not be considered as a standard.

D. Allowance will not usually be made for payment of rent prior to the date of application for public assistance. See Bulletin No. 134 for exceptions.

II. MAXIMUM RENTAL ALLOWANCES:

SINGLE PERSON IN ROOMING HOUSE FACILITY:
($18.00 per week *including* heat and utilities)

1-BEDROOM ARRANGEMENTS FOR 1 OR 2 PERSONS:
($24.00 per week *including* heat and utilities)

2, 3, 4 persons
2 BEDROOMS: $80.00 per month *Not Including* Heat

5, 6
3 BEDROOMS: $110.00 " " " " "

7+
4 BEDROOMS: $120.00 " " " " "

DEPARTMENT OF SOCIAL SERVICES
CHEMUNG COUNTY
WILLIAM A. LIDDLE
William A. Liddle
Commissioner

Shelter Allowance Schedules.

RENT ALLOMANCE SCHEDULE
CLINTON COUNTY
(Revised 1/1/71)

Apartments two or more rooms:

Family of 3 or more:	Unfurnished	Unheated	$80.00
	Furnished	Unheated	85.00
One or Two persons:	Unfurnished	Unheated	65.00
	Furnished	Unheated	70.00
Single Rooms:	Furnished	Unheated No cooking privileges	50.00
	Furnished	Unheated Cooking priv.	55.00

When no bathroom facilities are in rental house, a maximum of $45.00 shall be allowed.

When heat is furnished, and standard allowance for heating unless the resulting combination is more than rent paid. In that case, use amount as paid.

Exceptions will be made by Commissioner in event it is deemed necessary for social or economic reasons.

Shelter Allowance Schedules.

CLINTON

Apartments two or more rooms:

Family of 3 or more	Unfurnished	Unheated	80.00
	Furnished	Unheated	85.00
One or two persons	Unfurnished	Unheated	$65.00
	Furnished	Unheated	70.00
Single Rooms	Furnished	Unheated No cooking privileges	50.00
	Furnished	Unheated Cooking priv.	55.00

When no bathroom facilities are in rental house, a maximum of $45.00 shall be allowed.

When heat is furnished, add standard allowance for heating unless the resulting combination is more than rent paid. In that case, use amount as paid.

Exceptions will be made by Commissioner in event it is deemed necessary for social or economic reasons.

The schedules were based on a review of the case records showing what was being included in grants and also on the experiences of those living in county with what was generally being charged for rental units. The agency has found that breaking the schedule down with the "three or more family" being one group and one or two persons another works well for them. The inclusion of furnishing is shown when heat is included, the maximum is equal to rent plus heating allowance.

The agency does make exceptions to the maximums shown on schedule. The case is reviewed before an exception is made and exceptions are usually done on a temporary basis pending finding housing within the maximum. The reasons for granting an exception are strong social and physical need and absolute impossibility of finding housing within the maximum. Exceptions are made by the Commissioner. At the present time, no one has asked for more than the maximum. The agency does not believe any family is paying more than the maximum.

It is becoming increasingly difficult to find housing in the county. The Air Base and SUNY unit have a tremendous impact on the extent of what is available. Landlords can rent an apartment to 4 college students and collect from each of them what he would receive from the client. Large families find it very difficult to find housing of adequate quality.

Many Public Assistance families live in single family houses. The majority do not have central heating and some do not have inside plumbing. Generally the quality is not bad considering what is available in the county. There is a Building Inspector in the City of Plattsburg and a County Health Department who will come in and make judgments concerning the quality of the housing as it is related to the safety and health of dwellers.

(Illegible paragraph.)

COLUMBIA

From: 1/1/68—the maximum rent was $90.00
Rent Schedule 6/69 to present

Usually allowed as paid, not to exceed $90.00 monthly and $120.00 wth heat. In usual circumstances if rental exceeds this amount and no substitute can be obtained, approval from Commissioner and/or Deputy must be given until other rental can be secured.

This schedule was based on the rents which clients were paying according to case records. No consideration was given to the question of furnished versus not-furnished. This has not been a problem. There is no breakdown according to family size.

Exceptions are made according to the above method in some cases where justified by an evaluation of the situation. Such exceptions are only temporary. At the present time there are less than 10 cases where the rent being paid is greater than that being included in the grant. Exceptions have not been granted in these cases, since the agency does not think the rent is necessary in the situation.

There is a housing shortage in the county and is particularly acute in the City of Hudson for all sized families. Here Urban Renewal has razed a number of houses which were in very poor condition. Other housing was purchased by the Urban Renewal Agency to house those displaced. At the present time there are 60 units under Urban Renewal and 25 units of Public Housing. The removal of rental units due to destruction created a situation where landlords are able to get high rents for poor quality housing and are not receptive to the needs of their tenants. The most frequent complaint is the lack of attention given to places for repair of plumbing.

The County Health Department and the City of Hudson Building Inspector will make judgments regarding the quality of the housing. The very poorest quality housing has been removed now. If the proposed plans for public housing are completed, landlords will no longer have the control that they presently hold.

The agency has no families in motels.

CORTLAND

November 1, 1974

Donald L. Lamont, Commissioner
Cortland County Department
of Social Services
133 Homer Avenue
Cortland, New York 13045

Dear Commissioner Lamont

This is in response to your letter of October 15, 1974 and your telephone conversation with a member of my staff concerning Cortland County's rental allowance policy.

Please be advised that, effective October 1, 1974, rental allowance policy for Cortland County, filed with this Department pursuant to Department Regulation Section 352.3(a), is as follows:

Number of Persons	1	2	3	4	5	6	7	8
Without Heat	$105	120	130	140	150	155	155	160
With Heat	$125	148	166	184	198	200	200	210

Sincerely,

/s/ 11/3
Thomas H. Kilcoyne

LM:THK:sd

Shelter Allowance Schedules.

DELAWARE

Rent Schedule 11/14/67 to 12/31/70

	Minimum	*Maximum*
Rent only	$25	$70
Rent with Fuel	30	80
Rent with Fuel & Utilities	35	90

Rent Schedule 1/1/71 to present

Without heat	Maximum	$70
With heat	Maximum	$90

The rent schedule was determined by a review of rents paid as shown in case records. In addition, the Commissioner also visited the Housing Project in Sidney where he discussed the cost of rentals with them.

There is no differential for families of different sizes. Furnished apartments are not readily available. Those furnished apartments have been rented within the maximum.

At the present time no exceptions are being made. In a very rare instance with very large families, an exception has been made. The Commissioner is the one who would make the decision. The agency estimates that less than 10% of the caseload is paying rents in excess of the maximum and is taking the amount from other items. The agency recommends families move into housing within their maximum.

The population in Delaware County has shifted and caused pressure on rent levels in two areas of the county—Gilboa and Delhi. These two areas have higher rents than the balance of the county and do not have a great deal of housing available. Housing is generally available in the

Shelter Allowance Schedules.

outlaying areas. Large families find it difficult to find housing.

The housing project in Sidney was originally a federal project but is now locally operated. Rents range from $50 to $110. There are usually some vacancies available. There are no other housing projects in the County.

There is a large number of substandard dwellings in the county, occupied by many Non-Public Assistance families as well as Public Assistance families. Delaware County is officially a part of Appalachia and has a poor economic base. The economic status is reflected in the housing where central heating is the exception rather than the rule and plumbing is crude in many homes.

Shelter Allowance Schedules.

FRANKLIN

Rent Schedule

1) unheated

number of rooms	unfurnished maximum allowance	furnished maximum allowance
1 & 2	$45.00 mo.	$50.00 mo.
3	$50.00 mo.	$55.00 mo.
4	$60.00 mo.	$65.00 mo.
5	$70.00 mo.	$75.00 mo.
6	$80.00 mo.	$85.00 mo.

Provision allowed for the Commissioner to make exception to the above, where social or economical conditions of the family requires such.

2) Heated apartments: In heated apartments the rental allowance shall be listed as above in item (1) plus annual fuel allowance on monthly basis.

Shelter Allowance Schedules.

FULTON

Rent schedule August 12, 1970

Revised retroactive to 7/1/70

TYPE OF DWELLING	MAXIMUM RENT
Unfurnished flats or apartments up to 4 bedrooms	$ 85.00
Unfurnished *heated* flats or apartments up to 4 bedrooms	$110.00
Furnished and *heated* flats or apartments up to 4 bedrooms	$120.00
Whole house—unheated and unfurnished	$100.00

Exceptions will be made for family dwellings exceeding four bedrooms.

WILLIAM A. MORRIS
Commissioner of Social Services
Fulton Co. Dept. Social Services

Shelter Allowance Schedules.

COUNTY OF GENESEE
DEPARTMENT OF SOCIAL SERVICES
Beverly J. Crabb, Commissioner
3837 West Main Road
Batavia, New York 14020
Phone: 343-8786

March 12, 1973

Mr. Gabriel S. Russo, Deputy Commissioner
Income Maintenance
N. Y. State Dept. of Social Services
1450 Western Avenue
Albany, N. Y. 12203

Dear Mr. Russo:

As stated on the inclosed form, this Department's first rent schedule was established July 1, 1970.

Rent is paid according to need to the maximum of $110.00 per month. Exceptions are made in situations which might otherwise result in eviction or where a large family is involved.

Very truly yours,

(Miss) Beverly J. Crabb
Commissioner

CM:h

CAROL D. MERRILL
(Mrs.) Carol D. Merrill
Case Supvr.

Shelter Allowance Schedules.

STELLA CANNIFF
Commissioner

RUTH L. YOUMANS
Deputy Commissioner

Greene County

DEPARTMENT OF SOCIAL SERVICES

Catskill, New York 12414

Telephone 943-3200

Effective May 1, 1973 we are changing our rent schedule as follows:

1-3 persons unheated	$ 90.00
1-3 persons heated	100.00
4-6 persons unheated	100.00
4-6 persons heated	110.00
7+ persons unheated	110.00
7+ persons heated	120.00

HAMILTON

Rent schedule effective in 1967 to the present.

"As paid up to maximum of $85.00 per month for unfurnished and up to $90.00 per month for furnished."

The method used in determining this rate is not known due to staff changes in this agency. At the present time, all rents are less than this maximum. Since the rental units available in this county are usually small houses, the rent does not include heat and utilities. In those few apartments where heat is furnished, the cost is still below the maximum.

There has not been a need to make an exception. If such need occurred, the Caseworker would evaluate the situation and make the decision.

There is a housing shortage within the county. At the present time 10-15% of the families in receipt of Public Assistance are living in poor housing which is inadequate for their needs. There is no agency within the county which has the power to make decisions related to the quality of housing. There is no public housing.

The agency has no families in motels.

HERKIMER

September 24, 1974

Michael J. Bush, Commissioner
Herkimer County Department of
Social Services
Box 231
Herkimer, New York 13350

Dear Commissioner Bush:

Deputy Commissioner Maher has asked me to acknowledge your letter of September 10, 1974.

Please be advised that the rent allowance schedule for Herkimer County, effective July 1, 1974, filed with this Department pursuant to Department Regulation Section 352.3(a), is as follows:

Number of persons	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*
Unheated		70	70	75	80	90	100	110
Heated		98	106	119	127	139	152	165

Your continuing cooperation is appreciated.

Sincerely,

/s/ 9/26
THOMAS H. KILCOYNE

LH:THK:sd

Shelter Allowance Schedules.

JEFFERSON

Revised 2/1/71

Maximum rents to be paid by Jefferson County Social Services Department per month to Private Owners*

No. of Tenants	*1 or 2*	*3 or 4*	*5*	*6*	*7 or more*
Furnished					
With Heat	85	90	100	105	140
Without Heat	70	75	85	90	110
Unfurnished					
With Heat	80	85	95	100	125
Without Heat	65	70	75	85	100

(Illegible Signature)
Commissioner

* Rates depend on location, condition of property, assessed valuation and costs to other inhabitants of same building with comparable facilities.

Shelter Allowance Schedules.

LEWIS COUNTY
DEPARTMENT OF SOCIAL SERVICES
Lowville, New York
13367

BERYL W. FREEMAN
Commissioner
Telephone 376-3536

HAZEL J. BUSH
Administrative Assistant
LOUISE RAMOS
Case Supervisor, C. W.

LORENA BERNHOLZ
Case Supervisor, P. A.
ELLA GORDON
Case Supervisor, P. A.

May 28, 1971

Mr. C. Walter Driscoll, Area Director
State Department of Social Services
333 East Washington Street
Syracuse, New York 13202

Attention: Mary A. Milazzo, Senior Home Economist

Dear Mr. Driscoll:

In reply to your letter of May 25, 1971 concerning Monthly Allowance Schedule of Rent, we offer the following information.

Effective January 1, 1967, the Allowance Schedule for Rent used in this Agency ranged from $25.00 per month to $80.00 per month. Consideration was given to adequacy, including number of rooms for the size of the family, whether heat and utilities were included and whether furnished or unfurnished.

Shelter Allowance Schedules.

Subsequent to January 1, 1969, a change was made which became effective on September 1, 1969 increasing the maximum rent allowed to $90.00 per month. Other considerations remained the same as previously stated in paragraph two above.

Effective January 1, 1971 the Rent Schedule was revised to the following:

Maximum Rent Schedule

	2 or 3 Rooms and Bath	*4 or 5 Rooms and Bath*	*6 or more Rooms and Bath*
Without heat or utilities	$65	$80	$90
With heat and hot water	$72	$85	$100
With utilities, heat, and hot water	$80	$90	$108

Lewis County has no housing authority. The Agency based the Schedule on the average amount of rent being paid in various localities throughout the county, using remote rural sections, more favorable rural areas, and villages as the basis for this determination. No provisions for exceptions to the present schedule are provided. Only in a very rare circumstance would an exception be considered.

Very truly yours,

BERYL W. FREEMAN
Beryl W. Freeman, Commissioner

BWF/hjb

Shelter Allowance Schedules.

Sub: Rent Schedules DSS LIVINGSTON

DATE: 5/25/71

Person(s) Contacted:

(1) Director of Services

(2) Commissioner

(3) Accounting Supervisor

I. 1. Rate established prior to 1/1/69:
$65.00/month without heat
85.00/month with heat

2. Date established: 1/1/68

II. 1. Changes in rate schedules since 1/1/69:

Changes	*Effective Date*
(100.00/month with heat (85.00/month without heat	8/1/69
100.00/month with heat (Rate used for all new cases opened since reorganization of agency) separation as of 2/8/71	2/8/71—Current

Shelter Allowance Schedules.

Fuel					
Persons	*1,2*	*3,4*	*5,6*	*7,8*	*9,10*
8 mo. Oct.-May	24.80	27.40	32.60	37.80	48.00

MADISION COUNTY DEPARTMENT OF SOCIAL SERVICES
WAMPSVILLE, N. Y. 13163

RENT SCHEDULES FOR MADISON COUNTY EFFECTIVE
JULY 1, 1972

FAMILY SIZE	SIZE OF HOUSE	MAXIMUM RENT
1-2 persons	3-6 rooms, bare	$ 75.00 monthly
" "	" " , heat included	95.00 "
" "	" " , heat & lights incl.	105.00 "
" "	" " , furnished	130.00 "
3-5 persons	6-9 rooms, bare	95.00 "
" "	" " , heat included	120.00 "
" "	" " , heat & lights incl.	130.00 "
" "	" " , furnished	145.00 "
6 or more	7-10 rooms, bare	110.00 "
" " "	" " , heat included	130.00 "
" " "	" " , heat & lights incl.	145.00 "

WILLIAM LIDDLE
William Liddle, Commissioner

Shelter Allowance Schedules.

MONTGOMERY

Rent Schedule 4/1/68-6/30/69

Furnished apartment or flat with heat — Up to $100.00 per month

Furnished apartment or flat without heat — Up to $75.00 per month

Unfurnished apartment or flat with heat — Up to $80.00 per month

Unfurnished apartment or flat without heat — Up to $60.00 per month

Note: The Commissioner of Social Services may at his discretion alter these rates in an unusual case or in an emergency at any time to pay a higher rate when necessary.

Rent Schedule 7/1/69 to present

Furnished apartment or flats with heat — Up to $120.00 per month

Furnished apartment or flat without heat — Up to $90.00 per month

Unfurnished apartment or flat with heat — Up to $100.00 per month

Unfurnished apartment or flat without heat — Up to $80.00 per month

Public Housing—An allowance will be made in these instances in conformity with Bulletin #134, c (a), (b), (iv), page #8.

Rents in Montgomery County remained very low until 1968 when Urban Renewal was started in Amsterdam. At this time rates began to rise due to demolition. The rent schedules were developed by reviewing the rents as paid

to the client. The agency is not making exceptions to the schedule at the present time. In the past the only exceptions have been made with very large families (Example—15 persons). Such exceptions are made by the Commissioner. At the present time the agency does have several cases where the families are paying more rent than the maximum. The agency does not feel it is necessary for them to live there and does not make an exception. An example would be a 3 person family living in an apartment costing $135.00 when there are other apartments of sufficient size for the family within the maximum.

The allowance schedule for rent does not include utilities since this is in the flat grant. Heat and furnishings are differentiated in the schedules. The size of the family is not considered unless the family is very large.

There are two public housing projects in the city of Amsterdam—one for age 62 and up with 1 and 2 bedrooms which accommodate 75-100 people and the other for low income families with 68 units ranging from 2-5 bedrooms. The agency has had a great deal of trouble with the low income project, especially with one case. Prior to the opening of the project two years ago, a client with ten children made application for a five bedroom apartment. She has never been accepted into the project, although other people have gotten five bedroom apartments.

NASSAU COUNTY DEPARTMENT OF SOCIAL SERVICES
County Seat Drive
Mineola, L.I., N.Y.

MAXIMUM SHELTER SCHEDULE

Rent allowances shall not exceed this schedule.

Furnished Rooms

Furnished accommodations shall provide essential furniture and household equipment for daily living.

No. of Persons	*No. of Rooms*	*Inclusive Items*	*Rent Allowance*
1	1	Heat, Hot water, utilities	$110
2	1 double	"	125

Apartments and Houses

		With Heat	*Without Heat*
1–2	2–4	$145	$135
3	3–4	165	150
4	3–5	180	165
5–6	4–6	195	180
7–8	6–8	210	190
9	6–8	220	200

Add $25.00 a month for each additional person.

Hotel/Motel Accommodations

Payment for hotel or motel accommodations may be provided if approved only while other housing is unavailable. Minimum hotel/motel rates shall be paid in accordance with available facilities.

Effective 7/1/70 to present.

(See opposite ☞)

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ITEM NO.	TYPE OF ALLOWANCE OR SERVICE	N.Y.C. CENTER AUTHORIZATION	REQUIRED CONSULTANT RECOMMENDATION
38.	Security Deposit		
	a. Payment required by a prospective private landlord	Income Maint. Supvr.	Housing Specialist
	b. Payment required by N.Y.C. Housing Authority	Income Maint. Supvr.	____
	c. Payment required by Utility Company (assignment required)	Income Maint. Supvr.	____
39.	Shelter - Allowance for		
	a. Private Housing		
	NOTE: Authorization of rent is limited to two issues, if in controlled housing, pending return of W-640a.		
	(1) Unfurnished Self-Contained Units* (Controlled and Decontrolled with Central Heating)		
	1 person		
	RENT (Heat and Hot Water Included)		
	Up to $100.00 monthly	Income Maint. Supvr.	____
	$100.01 - $120.00 monthly	Assistant Office Mgr.	____
	$120.01 - $150.00 monthly	Sr. Asst. Office Mgr.	____
	2 or 3 persons		
	RENT (Heat and Hot Water Included)		
	Up to $125.00 monthly	Income Maint. Supvr.	____
	$125.01 - $140.00 monthly	Assistant Office Mgr.	____
	$140.01 - $180.00 monthly	Sr. Asst. Office Mgr.	____
	4 or 5 persons		
	RENT (Heat and Hot Water Included)		
	Up to $130.00 monthly	Income Maint. Supvr.	____
	$130.01 - $150.00 monthly	Assistant Office Mgr.	____
	$150.01 - $210.00 monthly	Sr. Asst. Office Mgr.	____

*Self-Contained Unit is one where family has a private kitchen and private toilet facilities.

(See opposite ☞)

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NO.	TYPE OF ALLOWANCE OR SERVICE	CENTER AUTHORIZATION	REQUIRED CONSULTANT RECOMMENDATION

39. Shelter - Allowance for (cont'd)

6 persons

RENT (Heat and Hot Water Included)

Up to $135.00 monthly	Income Maint. Supvr.	_____
$135.01 - $155.00 monthly	Assistant Office Mgr.	_____
$155.01 - $225.00 monthly	Sr. Asst. Office Mgr.	_____

7 or 8 persons

RENT (Heat and Hot Water Included)

Up to $160.00 monthly	Income Maint. Supvr.	_____
$160.01 - $180.00 monthly	Assistant Office Mgr.	_____
$180.01 - $275.00 monthly	Sr. Asst. Office Mgr.	_____

9 persons and over

RENT (Heat and Hot Water Included)

Up to $175.00 monthly	Income Maint. Supvr.	_____
$175.01 - $200.00 monthly	Assistant Office Mgr.	_____
$200.01 - $300.00 monthly	Sr. Asst. Office Mgr.	_____

NOTE: The adequacy of the living arrangements in terms of the number of rooms and persons in the household should be carefully considered and discussed with Housing Specialist when there is question as to adequacy.

(See opposite ☞)

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NO.	TYPE OF ALLOWANCE OR SERVICE	CENTER AUTHORIZATION	REQUIRED COLLATERAL RECOMMENDATION

39. **Shelter - Allowance for (cont'd)**

Before an apartment in a one- or two-family house, or an entire private house, is acceptable for occupancy, the following data is necessary for discussion with the Housing Specialist.

(1) Is landlord responsible for internal and external repairs?
(2) Is landlord responsible for payment of fuel for heat and hot water?
(3) Is landlord willing to give a lease?
(4) Is landlord responsible for maintenance repairs, and replacement of refrigerator and stove?
(5) Name and address of landlord.

(2) Unfurnished Accommodations
(Controlled and Decontrolled, without Central Heat) practically non-existent - rent plus cost of heat subject to above levels.

(See opposite ☞)

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	TYPE OF ALLOWANCE OR SERVICE	CENTER AUTHORIZATION	REQUIRED CONSULTANT RECOMMENDATION
39.	Shelter - Allowance for (cont'd)		
	(3) Furnished Accommodations (Tax is not to be included in determining level of approval)		
	(Controlled and Decontrolled, with Central Heating)		
	(a) With cooking facilities		
	1 to 3 persons		
	To and including $110.00 monthly	Income Maint. Supvr.	_____
	$110.01 - $135.00 monthly	Assistant Office Mgr.	_____
	$135.01 - $150.00 monthly	Sr. Asst. Office Mgr.	_____
	4 or 5 Persons		
	To and including $130.00 monthly	Income Maint. Supvr.	_____
	$130.01 - $145.00 monthly	Assistant Office Mgr.	_____
	$145.01 - $160.00 monthly	Sr. Asst. Office Mgr.	_____
	6 or more Persons		
	To and including $135.00 monthly	Income Maint. Supvr.	_____
	$135.01 - $150.00 monthly	Assistant Office Mgr.	_____
	$150.01 - $165.00 monthly	Sr. Asst. Office Mgr.	_____

(See opposite ☞)

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TYPE OF ALLOWANCE OR SERVICE	CENTER AUTHORIZATION	REQUIRED CONSULTANT RECOMMENDATION
39. Shelter - Allowance for (cont'd)		
(b) No cooking facilities (prior consultation with Housing Specialist required if client able to prepare own meals).		
1 or more persons (16 years of age and over)		
To and including $90.00 monthly	Income Maint. Supvr.	_____
$90.01 - $105.00 monthly	Assistant Office Mgr.	_____
$105.01 - $130.00 monthly	Sr. Asst. Office Mgr.	_____
b. N.Y.C.H.A. Project*		
Low Cost Housing Projects	Income Maint. Supvr.	_____

*Acceptance of a case in a Housing Project must be accompanied by written notice to the Housing Authority indicating acceptance and the amount of monthly rent.

SS41 ONEIDA

SUBJECT: HOUSING, GENERAL POLICY, INCLUDING REQUIRED ALLOWANCE SCHEDULE FOR RENT
BULLETIN 134, page C-6 "Each Public Welfare Agency shall establish an allowance schedule for rent based on the number of rooms, utilities, furniture—".

PROCEDURE: As of 7-1-71 the following rent schedule is to be in effect.

No. Rooms	1 Basic Rent	2 *Heated* Add per mo.	3 *Furnished* Add per mo.	4 Total Basic and Heat
1	$ 70	$ 0	$ 0	$ 70
2 or 3	70	17	5	87
4 2 br.	75	20	10	95
5 3 br.	85	23	15	108
6 4 br.	95	26	20	121
7 5 br.	105	30	25	135
8 or more	Add 15 for each addl. br.	30	30	—

MJN/gd
6-8-71

POLICY AND PROCEDURE MANUAL

Supersedes C-41-B 1/10/69 — Bulletin C-41-B
Revised 1/25/71 — Effective 3/1/71

AUTHORIZED RENT SCHEDULE
ROOM AND BOARD • SLEEPING ROOMS

ROOM AND BOARD: Includes 3 meals daily . . . 21 per week . . . plus G&E, Heat, and necessary Furnishings, including bed linen, etc.

CLASS I:	Single person . . . has own private room	$ 90.00
CLASS II:	a) Single person . . . shares room with no more than one other person	$ 70.00
	b) Two persons in same room	$ 140.00
CLASS III:	Mother and child . . . have own private room	$ 115.00

SLEEPING ROOMS: Includes G&E, Heat, and necessary Furnishings, including bed linen, etc.

CLASS I:	Single person . . . has own private room and kitchen privileges	$ 52.00
CLASS II:	Single person . . . has own private room but no kitchen privileges	$ 45.00
CLASS III:	Single person . . . shares room with no more than one other person and has kitchen privileges	$ 42.00
CLASS IV:	Single person . . . shares room with no more than one other person but has no kitchen privileges	$ 35.00

NOTE: ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!

Shelter Allowance Schedules.

ONONDAGA

POLICY AND PROCEDURE MANUAL

Supersedes C-41-B-1/10/69 Revised 1/25/71 — Bulletin C-41-B Effective 3/1/71

AUTHORIZED RENT SCHEDULE
APARTMENTS • FLATS • HOUSES

SIZE: 2 HABITABLE ROOMS • APARTMENT

BASE RENT (does not include G&E, Heat, Furnished)	$ 55.00	$ 55.00
HEAT ONLY INCLUDED .....ADD:	$ 17.00	$ 72.00
FURNISHED ONLY INCLUDED .....ADD:	$ 8.00	$ 63.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 25.00	$ 80.00

SIZE: 3 HABITABLE ROOMS • APARTMENT

BASE RENT (does not include G&E, Heat, Furnished)	$ 65.00	$ 65.00
HEAT ONLY INCLUDED .....ADD:	$ 17.00	$ 82.00
FURNISHED ONLY INCLUDED .....ADD:	$ 10.00	$ 75.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 27.00	$ 92.00

NOTES:

1. ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!
2. WHEN RENT INCLUDES G&E AND HEAT ONLY . . . CASEWORKER SHALL ALLOW OR PAY THE "HEAT ONLY INCLUDED" RENT!
3. SINCE TENANT RECEIVES A G&E ALLOWANCE IN THE PRE-ADD GRANT . . . PAYMENT OF ANY G&E PORTION OF RENT IS THE TENANT'S RESPONSIBILITY!

EXAMPLE: TENANT RENTS 3 ROOM UNFURNISHED APARTMENT WITH G&E AND HEAT INCLUDED IN RENT.

CASEWORKER SHALL ALLOW OR PAY RENT UP TO $82.00 MAXIMUM!

Shelter Allowance Schedules.

SIZES 4 HABITABLE ROOMS • APARTMENT

BASE RENT (does not include G&E, Heat, Furnished)	$ 75.00	$ 75.00
HEAT ONLY INCLUDED .....ADD:	$ 18.80	$ 93.80
FURNISHED ONLY INCLUDED .....ADD:	$ 12.00	$ 87.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 30.80	$105.80

SIZE: 4 HABITABLE ROOMS • SINGLE FAMILY HOUSE

BASE RENT (does not include G&E, Heat, Furnished)	$ 85.00	$ 85.00
HEAT ONLY INCLUDED .....ADD:	$ 18.80	$103.80
FURNISHED ONLY INCLUDED .....ADD:	$ 12.00	$ 97.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 30.80	$115.80

NOTES:

1. ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!
2. WHEN RENT INCLUDES G&E AND HEAT ONLY . . . CASEWORKER SHALL ALLOW OR PAY THE "HEAT INCLUDED ONLY" RENT!
3. SINCE TENANT RECEIVES A G&E ALLOWANCE IN THE PRE-ADD GRANT . . . PAYMENT OF ANY G&E PORTION OF RENT IS THE TENANT'S RESPONSIBILITY!

EXAMPLE: TENANT RENTS 4 ROOM UNFURNISHED FLAT WITH G&E AND HEAT INCLUDED IN RENT.

CASEWORKER SHALL ALLOW OR PAY RENT UP TO $93.80 MAXIMUM!

Shelter Allowance Schedules.

SIZE: 5 HABITABLE ROOMS • FLAT

BASE RENT (does not include G&E, Heat, Furnished)	$ 90.00	$ 90.00
HEAT ONLY INCLUDED .....ADD:	$ 18.80	$108.80
FURNISHED ONLY INCLUDED .....ADD:	$ 14.00	$104.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 32.80	$122.80

SIZE: 5 HABITABLE ROOMS • SINGLE FAMILY HOUSE

BASE RENT (does not include G&E, Heat, Furnished)	$100.00	$100.00
HEAT ONLY INCLUDED .....ADD:	$ 18.80	$118.80
FURNISHED ONLY INCLUDED .....ADD:	$ 14.00	$114.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 32.80	$132.80

NOTES: 1. ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!

2. WHEN RENT INCLUDES G&E AND HEAT ONLY . . . CASEWORKER SHALL ALLOW OR PAY THE "HEAT ONLY INCLUDED" RENT!

3. SINCE TENANT RECEIVES A G&E ALLOWANCE IN THE PRE-ADD GRANT . . . PAYMENT OF ANY G&E PORTION OF RENT IS THE TENANT'S RESPONSIBILITY!

EXAMPLE: TENANT RENTS 5 ROOM UNFURNISHED FLAT WITH G&E AND HEAT INCLUDED IN RENT.

CASEWORKER SHALL ALLOW OR PAY RENT UP TO $108.80 MAXIMUM!

Shelter Allowance Schedules.

SIZE: 6 HABITABLE ROOMS • FLAT

BASE RENT (does not include G&E, Heat, Furnished)	$110.00	$110.00
HEAT ONLY INCLUDED .....ADD:	$ 22.30	$132.30
FURNISHED ONLY INCLUDED .....ADD:	$ 16.00	$126.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 38.30	$148.30

SIZE: 6 HABITABLE ROOMS • SINGLE FAMILY HOUSE

BASE RENT (does not include G&E, Heat, Furnished)	$120.00	$120.00
HEAT ONLY INCLUDED .....ADD:	$ 22.30	$142.30
FURNISHED ONLY INCLUDED .....ADD:	$ 16.00	$136.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 38.30	$158.30

NOTES: 1. ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!

2. WHEN RENT INCLUDES G&E AND HEAT ONLY . . . CASEWORKER SHALL ALLOW OR PAY THE "HEAT ONLY INCLUDED" RENT!

3. SINCE TENANT RECEIVES A G&E ALLOWANCE IN THE PRE-ADD GRANT . . . PAYMENT OF ANY G&E PORTION OF RENT IS THE TENANT'S RESPONSIBILITY!

EXAMPLE: TENANT RENTS A 6 ROOM UNFURNISHED FLAT WITH G&E AND HEAT INCLUDED IN RENT.

CASEWORKER SHALL ALLOW OR PAY RENT UP TO $132.30 MAXIMUM!

Shelter Allowance Schedules.

SIZE: 7 HABITABLE ROOMS • FLAT

BASE RENT (does not include G&E, Heat, Furnished)	$130.00	$130.00
HEAT ONLY INCLUDED .....ADD:	$ 25.80	$155.80
FURNISHED ONLY INCLUDED .....ADD:	$ 18.00	$148.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 43.80	$173.80

SIZE: 7 HABITABLE ROOMS • SINGLE FAMILY HOUSE

BASE RENT (does not include G&E, Heat, Furnished)	$140.00	$140.00
HEAT ONLY INCLUDED .....ADD:	$ 25.80	$165.80
FURNISHED ONLY INCLUDED .....ADD:	$ 18.00	$158.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 43.80	$183.80

NOTES: 1. ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!

2. WHEN RENT INCLUDES G&E AND HEAT ONLY . . CASEWORKER SHALL ALLOW OR PAY THE "HEAT ONLY INCLUDED" RENT!

3. SINCE TENANT RECEIVES A G&E ALLOWANCE IN THE PRE-ADD GRANT . . . PAYMENT OF ANY G&E PORTION OF RENT IS THE TENANT'S RESPONSIBILITY!

EXAMPLE: TENANT RENTS A 7 ROOM UNFURNISHED FLAT WITH G&E AND HEAT INCLUDED IN RENT.

CASEWORKER SHALL ALLOW OR PAY RENT UP TO $155.80 MAXIMUM!

Shelter Allowance Schedules.

SIZE: 8 OR MORE HABITABLE ROOMS • FLAT

BASE RENT (does not include G&E, Heat, Furnished)	$150.00	$150.00
HEAT ONLY INCLUDED .....ADD:	$ 29.20	$179.20
FURNISHED ONLY INCLUDED .....ADD:	$ 20.00	$170.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 49.20	$199.20

SIZE: 8 OR MORE HABITABLE ROOMS • SINGLE FAMILY HOUSE

BASE RENT (does not include G&E, Heat, Furnished)	$160.00	$160.00
HEAT ONLY INCLUDED .....ADD:	$ 29.20	$189.20
FURNISHED ONLY INCLUDED .....ADD:	$ 20.00	$180.00
HEAT AND FURNISHED INCLUDED ....ADD:	$ 49.20	$209.20

NOTES: 1. ALLOWANCE OR PAYMENT OF RENT OR SHELTER IN ANY FORM SHALL NOT . . . FOR ANY REASON WHATEVER . . . EXCEED THE MAXIMUMS ESTABLISHED IN THIS RENT SCHEDULE!

2. WHEN RENT INCLUDES G&E AND HEAT ONLY . . . CASEWORKER SHALL ALLOW OR PAY THE "HEAT ONLY INCLUDED" RENT!

3. SINCE TENANT RECEIVES A G&E ALLOWANCE IN THE PRE-ADD GRANT . . . PAYMENT OF ANY G&E PORTION OF RENT IS THE TENANT'S RESPONSIBILITY!

EXAMPLE: TENANT RENTS AN 8 ROOM UNFURNISHED FLAT WITH G&E AND HEAT INCLUDED IN RENT.

CASEWORKER SHALL ALLOW OR PAY RENT UP TO $179.20 MAXIMUM!

(See opposite page)

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RENT SCHEDULE

MONTHLY

ONTARIO COUNTY DEPARTMENT OF SOCIAL SERVICES

	Unfurnished Without Heat & Utilities	Furnished Without Heat & Utilities	Unfurnished With Heat & Utilities	Furnished With Heat & Utilities
1 - 2 Rooms	$70.00	$75.00	$85.00	$95.00
3 - 4 Rooms	$85.00	$90.00	$100.00	$115.00
5 - 6 Rooms	$100.00	$115.00	$130.00	$140.00
7 - 8 Rooms	$120.00	$125.00	$140.00	$160.00
9 - 10 Rooms	$130.00	$140.00	$160.00	$175.00

ORLEANS COUNTY RENT SCHEDULE

Number of Rooms	*Without Fuel* Unfurnished	*furnished*	*With Fuel* Unfurnished	*furnished*
1	$25.	$35.	$ 45.	$ 55.
2	30.	40.	50.	60.
3	40.	50.	60.	70.
4	60.	70.	88.	98.
5	70.	80.	98.	108.
6	70.	80.	103.	113.
7 & 8	75.	85.	108.	118.
9 & 10	80.	90.	118.	128.

It is the intent of this schedule to place maximums on available rentals. The Agency will continue to use community averages in evaluating rental values in the district.

Any deviations upward from this tentative schedule must be sanctioned by the Commissioner or his Deputy.

Water rates to be added to budget where not included in rent.

OSWEGO

September 25, 1972

Mr. Milton Glazier
Acting Area Director
Department of Social Services
333 East Washington Street
Syracuse, New York 13202

Re: Rent Schedule

Dear Mr. Glazier:

We have revised our rental schedule and would like to put this in effect January 1, 1973 if the schedule meets with your approval.

Oswego County excluding Oswego City

No. of tenants	1 or 2	2	3	4	5	6	7	or more
Bedrooms	1	2	2	3	3	4	4	
*Rent	80	85	90	95	100	105	125	
*With Heat	95	105	110	115	125	130	155	

Oswego City

No. of tenants	1 or 2	2	3	4	5	6	7	or more
Bedrooms	1	2	2	3	3	4	4	
*Rent	95	100	105	115	115	120	130	
*With Heat	110	120	125	135	135	145	160	

* Furnished apartments add $10.00 per month to each schedule.

Maximum rents to be paid by Oswego County Department of Social Services per month to State Aide Public Housing according to Bulletin 134 schedules.

Your kind cooperation is appreciated.

Very truly yours,

RUPERT J. COLLINS
COMMISSIONER
(Mrs.) Beattie M. Tracy, C. S. W.
Director of Social Services

OTSEGO

Rental Allowance will generally be budgeted "As PAID" when verified, but not in excess of the above Schedule except as there may be justifiable variations of the Numbers of Persons and Number of Rooms. Variations are to be properly documented. Unfurnished Rooms with Heat or Utilities shall not exceed $140.00 per month.

These Schedules are to be phased in as the situation demands or at time of recheck or redetermination.

Rent Schedule 6/1/71 to Present

No. of Persons	*Maximum No. of Rooms*	*Unfurnished*			*Furnished*		
		Without Heat or Utilities	*With Heat Only*	*With Heat & Utilities*	*Without Heat or Utilities*	*With Heat Only*	*With Heat & Utilities*
1-2	4	$100.00	$120.00	$130.00	$110.00	$130.00	$140.00
3-4	5	100.00	120.00	130.00	110.00	130.00	140.00
5-6	7	100.00	120.00	130.00	110.00	130.00	140.00
7-8	9	110.00	130.00	140.00	120.00	140.00	150.00
9-10	10	110.00	130.00	140.00	120.00	140.00	150.00

The schedule was determined by a review of the rents being allowed from case records and from knowledge of rents being paid in the County. In addition, the agency did a study of housing in the City of Oneonta to see what was available and at what price. The most recent schedule change was necessitated because of Separation of the agency. It was found that making exceptions tended to slow the flow of work in Income Maintenance since an exception went to the desk of the Director of Social Services and then to the Commissioner for approval. The maximums in the new schedule will eliminate exceptions and will more closely follow what clients are paying. The agency is fearful that the situation will arise with families receiving Public Assistance are paying more rent than all

others. It is not planned to grant exceptions with the new schedule.

The County has a shortage of housing available at a reasonable price. In Oneonta rents are much higher due to a higher tax rate and the demand of the College students at SUNY. The agency feels that rents being requested are fair in view of the situation. There is no public housing in the county. A housing project for the elderly is being considered. In the City of Oneonta, many substandard rental units were demolished and parking lots and stores were built in the same location. The Urban Renewal Agency relocated those displaced. The most acute problem is in placing large families. Landlords don't welcome families with children. Many times it is impossible to find housing in the large cities for these families, but if they move into rural areas, they may be isolated due to lack of any public transportation.

(See opposite ☞)

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PUTNAM COUNTY

RENT SCHEDULE

Effective January 1, 1969

	1 - 2	3 - 4	5 - 6	7 or more
Without Heat (unfurnished)	90.00	105.00	110.00	115.00
Without Heat (furnished)	100.00	115.00	120.00	125.00
Heat Provided (unfurnished)	105.00	120.00	125.00	130.00
Heat Provided (furnished)	115.00	130.00	135.00	140.00

RENNSSELAER

Rent Schedule 1/1/68 to present

Consideration shall be given to the size of the family, health factors, suitability of the premises and the prevailing rent scale. The dwelling must meet minimum standards of health and decency. Rent shall be allowed "as paid" up to the maximum allowances as established by agency policy.

In instances where the rent item is higher than the established maximum, authorization for the excess amount must be approved by a person who is higher in authority than the supervisor who regularly approves the authorization.

The following maximum rates, exclusive of Public Housing, have been established as policy:

Family Dwellings:

$95 per month furnished with heat
85 per month unfurnished with heat & utilities
65 per month unfurnished, unheated

Single Room:

$15 per week furnished & heated.

Public Housing:

"As paid" for each particular facility in the county with the maximum established as $80.00 per month plus $4.00 for each person in excess of five.

Room and Board:

$90 for one person

This schedule was determined by each caseworker reviewing his cases and submitting the rent figures to the Director of Social Services who reviewed them. This was done again in 1970 to review the schedule and its adequacy. The average rent was $57.00 regardless of family size. The agency also contacted the Rensselaer County Office of Planning who had done a survey of all housing in the County. They found the average rent being paid is $65.00 and that there were 200-300 rental units available at that time.

(See opposite [illegible])

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V

PROPOSED MAXIMUM RENT SCHEDULE FOR ROCKLAND COUNTY

DEPARTMENT OF SOCIAL SERVICES*

Effective August 1, 1971.

UTILITY ARRANGEMENT	NUMBER OF PEOPLE						
	1-2	3	4	5	6	7	8
No Utilities	$145.00	$165.00	$180.00	$210.00	$240.00-$270.00	$300.00	$330.00
Gas for heat and cooking only	165.00	190.00	200.00	235.00	265.00-$295.00	$330.00	360.00
Gas for heat and cooking, plus electricity	170.00	195.00	205.00	240.00	265.00-300.00	335.00	365.00

*Subject to inspection by and approval of Department of Social Services

Note: The allowance for rent shall be made in the amount actually paid by the recipient but not in excess of the appropriate maximum above. If water is a separate charge, an additional allowance shall be made for the amount required to be paid.

7/22/71

(See opposite ☞)

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MAXIMUM RENTS TO BE PAID BY
ST. LAWRENCE COUNTY DEPARTMENT OF SOCIAL SERVICES
PLR NORTH TO PRIVATE OWNERS*

EFFECTIVE: JULY 1, 1971

NO. OF TENANTS	1	2	3	4	5	6	7	8	9	10 or more
UNFURNISHED										
Without Heat	70	75	80	85	90	95	100	105	110	115
With Heat	90	95	100	105	115	120	130	135	140	145
FURNISHED										
Without Heat	85	90	95	100	105	110	115	120	125	130
With Heat	105	110	115	120	130	135	145	150	155	160

* Rates depend on location, condition of property, assessed valuation and costs to other inhabitants of same building with comparable facilities.

DONALD E. KITCHIN, COMMISSIONER
DEPARTMENT OF SOCIAL SERVICES

SARATOGA

Rent Schedule 1/1/68 to 12/30/70

Saratoga Housing Project

2 Bedrooms	$60.00
3 Bedrooms	65.00
4 Bedrooms	70.00

The rate in the Mechanicville Housing Project is taken from Bulletin 134. Other rents throughout county will have a maximum of $125.00 with utilities. Most will be negotiated by the Administration and the rental figure shall be arrived at with respect to location, size and conditions of building.

Rent Schedule 1/1/71 to present

Rent in Saratoga Housing Project remains same as previous schedule. The rate in the Mechanicville Housing Project is taken from Bulletin 134. Other rents throughout the county will have a maximum of $140.00 with heat and utilities.

The schedule was determined by a survey of rents being included in grants. For the Saratoga Housing Project a rate is negotiated between the agency and the housing project office. When the new rate took effect in January, rents immediately went up to the $140.00 level. There are very few furnished rental units and those are available within the maximum. When the rental unit is unheated, the maximum rent allowance is equal to $140.00 minus the monthly fuel allowance.

The Agency reported that no exceptions have been needed especially with new allowance schedule. The decision to make an exception would be made by the Commissioner. The

only times when exceptions would be considered would be if it could be substantiated that nothing else is available or the family is very large. The Agency is not aware of any families who are paying more than is included in their grant. Since the Agency felt caseworkers were not documenting rent, all rents have been checked and documented by receipts over the past three months so that the Agency feels they have a thorough knowledge of the rental situation at the present time.

It is very difficult to find housing in Saratoga Springs. Many pieces of rental property have been torn down through Urban Renewal and have not been replaced. For the average case, housing can be found. The large families present a problem since there are few large units available. Certain families are denied rental due to record of past destructive behavior.

Many landlords prefer to rent to families who are in receipt of Public Assistance since they feel rent is more secure. The Agency expressed some concern about the new Senior Citizens Housing Project and their policies. In preliminary discussions, the Project officials have indicated that recipients of OAA will not be admitted and if someone who is living there becomes eligible, they will be evicted. The Agency is trying to work out this problem.

• • •

Shelter Allowance Schedules.

SCHENECTADY

MEMORANDUM

November 1, 1972

To: All Service Teams
Certification Unit
Income Maintenance Unit
Validation Unit

From: Mrs. Naomi C. Boyden, Director of Social Services

Re: Rent Schedules

Having reviewed rents that are actually being paid by our clients, the rent schedules are to be revised as follows, effective 12/1/72:

1 room	$ 65.00
2 rooms	70.00
3 rooms	85.00
4 rooms	90.00
5 rooms	95.00
6 rooms	100.00
7 rooms	105.00
Full house	110.00

If heat is included in rent, add no more than $25.00 for heat allowance.

If furniture is included in rent, add $10.00 to above amounts.

Shelter Allowance Schedules.

These are maximum allowances, but in no event do we allow more than actual rent.

NO EXCEPTIONS!

cc: Commissioner R. J. Staszak
Mr. S. Duff
Mr. L. Maré
Mr. R. Karl
Mr. P. Huffmire
Mrs. T. Donlan
Mrs. C. Bickerstaff
Mr. B. Coburn
Mr. A. Teta
Mr. J. Sicluna
Mr. P. Cappello

Shelter Allowance Schedules.

DEPARTMENT OF SOCIAL SERVICES
SCHOHARIE, NEW YORK 2157
RUSSELL PALMER COMMISSIONER
Telephone 295-5134

SCHOHARIE COUNTY

Rent Schedule

Effective January 1, 1972
to the present.

Rent only	$ 75.00 per month
Rent, including heat	$105.00 per month
Rent, including heat and utilities	$125.00 per month

Exceptions to schedule to be made depending on location and condition of property.

RUSSELL PALMER (d & b)
Russell Palmer, Commissioner
Department of Social Services

Shelter Allowance Schedules.

SCHUYLER COUNTY RENT SCHEDULE

Unfurnished	*No Heat or Utilities*	*Incl. Heat*
1 & 2 Rooms	$ 65.00	$ 85.00
3 & 4 Rooms	70.00	90.00
5 & 6 Rooms	80.00	100.00
7 & 8 Rooms	90.00	110.00
9 & 10 Rooms	100.00	115.00

Furnished	*No Heat or Utilities*	*Incl. Heat*
1 & 2 Rooms	$ 75.00	$ 95.00
3 & 4 Rooms	80.00	100.00
5 & 6 Rooms	90.00	110.00
7 & 8 Rooms	100.00	120.00
9 & 10 Rooms	105.00	125.00
Mobile Homes	$ 90.00	$120.00

Shelter Allowance Schedules.

Seneca County Department of Social Services
Box 179
Waterloo, N. Y. 13165

January 1, 1971

No. of Persons	*Heat Oct. 1 May 31*	*Heat Year Round*	*Rent No. of Rooms*	*Rent Maximum Rent*
1 & 2	24.80	17.00	Unfurn. 2-10 rms	$ 70.00
3 & 4	27.40	18.80	Furnished 2-10 rms	75.00
5 & 6	32.60	22.30	Unfurnish. w/util & heat 2-10	
7 & 8	37.80	25.80	rooms	100.00
9 & 10	48.00	29.20	Furnished w/util & heat 2 to 10 rooms	105.00
			Trailer	65.00
			Furnished	70.00
			Unfurn.w/ util & heat	100.00
			Furnished w/util & heat	105.00

Shelter Allowance Schedules.

Seneca County Department of Social Services
Box 179
Waterloo, N. Y. 13165

RENT SCHEDULES
8/29/72

Because it is now impossible to find decent housing for larger families at $70.00 a month we will be changing the rent schedules.

Until the new schedule is prepared:

On new applications: allow up to $90.00 per month plus heat and water, if housing is adequate.

On recertifications: If client is paying more than allowed in budget, increase shelter item as paid, up to $90.00 a month plus heat and water if housing is adequate.

In adding fuel to the budget: If client is paying more than allowed in budget, increase shelter item as paid, up to $90.00 a month plus fuel and water.

We have a further ruling on the rent and security deposits. Mr. Levitt (the State Comptroller) says that we cannot hand this money to the client outright. We must have an agreement between agency and landlord. We will prepare the agreement, hopefully, before we have another request.

Commissioner

(See opposite ☞)

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MAXIMUM RENT SCHEDULE - STEUBEN CO. DSS

Number of Bedrooms	Single Persons Kitchenette	1 or 2 people 1 Bedroom	3 or 4 people 2 Bedrooms	5 or 6 people 3 Bedrooms	7 or 8 people 4 Bedrooms	9 or 10 people 5 Bedrooms or more
(1) Unfurnished without heat and utilities	10.00 wk. 44.00 mo.	60.00 mo.	70.00 mo.	85.00 mo.	100.00 mo.	115.00 mo.
(2) Unfurnished Heat & Utilities Provided	56.00 mo.	74.00 mo.	84.00 mo.	100.00 mo.	118.00 mo.	130.00 mo.
(3) Furnished without heat & Utilities	53.00 mo.	72.00 mo.	82.00 mo.	97.00 mo.	115.00 mo.	127.00 mo.
(4) Furnished with heat &Utilities Provided	15.00 wk. 65.00 mo.	20.00 wk. 86.00 mo.	96.00 mo.	112.00 mo.	130.00 mo.	145.00 mo.

Shelter Allowance Schedules.

RUSSELL B. RAWLEY
Commissioner

Area Code 607
Telephone 687-9930

Tioga County

DEPARTMENT OF SOCIAL SERVICES

R. D. 2, Oswego, N.Y. 13827

New Rent Schedule eff. 3/1/72

Nothing included

$65	Max.	1 or 2	persons	1 bedroom
$90	"	3 or 4	"	2 "
$95	"	5 or 6	"	3 "
$100	"	7 people up—		

Utilities Included

$90	"	"	"
$115	"	"	"
$120	"	"	"
$130	"	"	"

Shelter Allowance Schedules.

WARREN COUNTY

Rent schedule effective Jan. 1965 to the present.

Rooms	*Persons*	*Unfurnished No heat No utilities*	*Furnished No heat No utilities*	*Unfurnished with heat & utilities*	*Furnished with heat & utilities*
1-3	1-2	$50.00	$55.00	$65.00	$70.00
	3-4				
3-5	2-4	60.00	65.00	75.00	80.00
	5, 6, 7				
5-7	4-7	70.00	75.00	85.00	90.00
7-up	7-up	80.00	85.00	95.00	100.00

The schedule was based on a survey of what clients were paying for rent, according to the case record. The figures are maximums broken down by persons, rooms, heat, utilities and furnishings. Some leeway is allowed by the overlapping of family sizes. For example, a 2 person family in housing unfurnished, no heat and no utilities would be entitled to $50 to $60 according to the way schedule is set up. If needed the larger amount is given. Very few exceptions are made. Exceptions are granted in some cases where the family size exceeds 7. The Commissioner makes the decision on any exceptions. If an exception is not granted, the family is advised to look elsewhere for housing or pay the additional rent from their grant. Less than 5% of the case load is paying rent in excess of that included in their grant.

It is difficult to find housing in the county. Generally, housing in the Lake George area is more expensive and may be seasonal. A landlord will rent to clients from October 1 to May 1. There is a housing project in Glens Falls; however, very few clients live there because the apartments are small and not suitable for large families. The agency

finds it much harder to place families with large numbers of children.

There is an active Urban Renewal project in Glens Falls where many of the substandard dwellings have been demolished. The Urban Renewal Agency has been able to find housing for families displaced by the demolition. When the housing was razed, other landlords did not rapidly increase rents. An apartment building is being constructed in Glens Falls for Senior Citizens.

Generally, the housing where clients live is below average in quality. In the city of Glen Falls, a housing inspector will make an evaluation of the housing. In the rest of the county, there is no agency who will become involved in judging the quality of dwellings.

This agency has no families living in motels.

WASHINGTON

Rent schedule effective 12/1/67—12/31/70.

Fort Edward—Hudson Falls—maximum of $85.00 for families and $65.00 for couples. In all other areas of the county, the $60.00 maximum for families and a $50.00 maximum for couples.

Whenever the health or welfare of a client would be affected by this schedule, special consideration will be given after consultation with the Grade A Supervisor or the Commissioner.

Rent schedule effective for 1/1/71.

Maximum rent allowed—$100.00 per month. Whenever the health or welfare of a client would be affected by this schedule, special consideration will be given after consultation with the Grade A Supervisor or the Commissioner.

The 1967 schedule was determined as a result of a staff meeting when caseworkers reported on rents being paid. Caseworkers reported, also, a rent differential for various areas of the county. When it was noted that rents were being increased in 1970, the case records were surveyed to determine rents being paid and the maximum was set. In this survey, it was found that a differential no longer existed.

The $100.00 represents a maximum with no consideration for number of people. Most total units available are not furnished and come with no fuel or utilities. The maximum $100.00 Assumes the unit is without fuel and utilities. If the rental unit is heated, the maximum allowed would be $100.00 plus the monthly fuel allowance for that size family.

Exceptions are made especially in the case of a large family. The exception would be made by the Director of

Social Services after a conference with worker involved with family. In a few cases, the agency has refused to pay the maximum due to the very poor quality of the housing available.

The Director of Social Services feels housing is the greatest need in the community. There is a large amount of substandard housing with no agency in the county with the power to take action related to the quality of the housing. Roughly 20% of the housing used by clients causes concern to the Social Service Staff, however, if the agency helps move a family out, the landlord just re-rents the unit to someone else.

At the present time, there are HUD projects in Hudson Falls and Whithall, but these are open only to people who earn at least 50% of their income. There is no public housing in the county.

Landlords do not discriminate against families in receipt of assistance, but there is no definite discrimination against families with large numbers of children. In houses which are adequate for large families, landlords will turn extra rent in order to get families with fewer children. It is found that some landlords will charge more rent to Public Assistance families figuring the Agency will pay this. Also many clients are seen by landlords as secure rentals since they feel the agency will stand back of rent.

432 County Office Bldg.
White Plains, N. Y. 10671
Westchester County

IV. Shelter

A. *Rent*

Rent is allowed as paid, based on family or individual housing needs and on local low-cost rent levels for housing and rooms furnished and unfurnished.

(Special approval of the Administrative Supervisor, PA Section, for rent in excess of the following schedule must be requested on Form #664.)

Rent Schedule SA-9
Allowance Schedule—Unfurnished—Heat Provided—Effective 7-1-72

	*Monthly Maximum Rent**	
	With Heat	*Without Heat*
1-2 Persons, 1 room "as paid" to a maximum of	$145	$107
1-2 Persons, 2 room studio or shared apt. "as paid" to a maximum of ..	155	118
2-3 Persons, 3 rooms (1 Bedroom) "as paid" to a maximum of	166	129
3-4 Persons, 4 rooms (2 Bedrooms) "as paid" to a maximum of	182	145
3-4 Persons, 5 rooms (2 Bedrooms) "as paid" to a maximum of	198	166
5-6 Persons, 6 rooms (3 Bedrooms) "as paid" to a maximum of	247	209

7-8 Persons, 7 rooms (4 Bedrooms) "as paid" to a maximum of	279	236
9-10 Persons, 8 rooms (5 Bedrooms) "as paid" to a maximum of	322	263
11 Persons and over, 9 rooms and over "as paid" to a maximum of ..	359	289

*NOTE: The determinant for approval for a monthly rent is the number of rooms in a unit and not the number of persons in a family.

The number of persons represents a guide and suggests the minimum number of persons in a family for which approval for a particular sized apartment rental is given. For example, a 5 room unit would not be approved for one person occupancy, nor should a seven person family occupying 6 rooms be approved at the rate for a 7 room unit.

Water Charges

When the tenant recipient is obligated to pay for water as a separate charge, an additional allowance shall be made for the amount required to be paid.

Shelter—Living in Self-Maintaining Household

For children or adults residing with a self-maintaining non-legally responsible relative or friend, the allowance for rent and/or shelter costs shall be computed on a pro-rated basis.

Rent—While in Medical Facility

An allowance for rent shall be made for a period not in excess of 60 days when essential to retain a housing accommodation to which a recipient temporarily receiving care in a medical facility may return upon discharge.

Public Housing

An allowance for rent shall be made for recipients who are tenants of State or Federally-aided public housing not in excess of the following schedules:

Apartment Size	*State Schedule*	*Monthly Rent New Rochelle* (Eff. 8-1-71)	*Peekskill* Eff.) 4-1-72)
"0" Bedrooms	$ 65.00	——	——
1 Bedroom	77.00	$ 84.00	$ 84.00
2 Bedrooms	90.00	99.00	99.00
3 Bedrooms	101.00	112.00	112.00
4 Bedrooms	107.00	120.00	120.00
5 Bedrooms	110.00	125.00	125.00

(NOTE: Required fees or charges shall be provided for such items as security deposit, extermination, deposit against breakage and loss, and keys. See Page A-17.)

B. *Shelter Allowance for Home Owners*

Purchase of Interest in Low-Cost Housing Development
The Administrative Supervisor may approve a grant, not to exceed $750.00 toward the purchase of an interest in a cooperative unit in the low-cost housing development. The Housing Supervisor shall first be asked to review this plan. Assignment of recipient's equity in such cooperative housing shall be required.

Carrying Charges

Property costs in lieu of rent are allowed when they are not in excess of a reasonable monthly rental. Such costs are estimated on actual bills and may include taxes, water rates, special assessments, and interest on mortgage. Fire insurance is allowed as paid when due.

Shelter Allowance Schedules.

Maximum Rent Allowance Schedule Wyoming 12/6/72

Number Sleeping Rooms Needed		
1 Room—No Cooking	$10.00/week	$43.00 month
1 Sleeping Room		65.00 basic
2 Sleeping Rooms		80.00 basic
3 or more Sleeping Rooms		95.00 basic

Under certain circumstances, $10.00 exception may be made with supervisory approval.

$10.00 additional when completely furnished.

$5.00 when stove and refrigerator furnished only (partly furnished).

Basic allowance does not include heat. If needed, heat can be added per heating schedule.

(See opposite ☞)

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YATES COUNTY
RENT SCHEDULE
MONTHLY
EFFECTIVE 4/1/72

RENT WILL BE ALLOWED ON A SLIDING SCALE -- MAXIMUM AND MINIMUM AS SHOWN ON CHART

ROOMS	UNFURNISHED	FURNISHED	UNFURNISHED WITH UTILITIES	FURNISHED WITH UTILITIES
1 & 2 & 3	$50.00 - $60.00	$60.00 - $70.00	$60.00 - $70.00	$70.00 - $80.00
4 & 5 & 6	$60.00 - $70.00	$70.00 - $80.00	$70.00 - $80.00	$80.00 - $90.00
7 & 8 & 9 & 10	$70.00 - $80.00	$80.00 - $90.00	$80.00 - $90.00	$90.00 - $100.00

WHEN HEATING FUEL IS FURNISHED WITH RENT, THE HEATING SCHEDULE, SA-6 ON PAGE J-14 IN BULLETIN 134, FOR THE COUNTY OF YATES, ON A YEAR ROUND BASIS, IS ADDED TO THE ABOVE FIGURES TO COMPUTE THE TOTAL RENT ALLOWANCE.

Excerpts From *Simplified Methods for Determining Needs*, HEW, 1964, Defendants' Exhibit "C".

METHODS

Although several methods of presenting cost standards for workers to use are available to States, the method chosen must be statewide in its application. It is strongly recommended that, if at all feasible, identical cost standards also be used statewide. Any variation in cost standards by areas within a State must be justified by facts.

The following three forms may suggest to States methods which they may use to simplify the process of determining need.

Each form is designed to serve all public assistance programs. A common standard is used because the basic requirements of all people are the same regardless of which program serves them.

The amount of total requirements should be printed on each form for the worker to use as a budget form. Each form also has space for computations and verifications of income. Instructions are printed on the back of each form.

Even though cost standards may vary by areas, all counties within the State must use the same form.

For example, if a State uses fuel cost standards by areas, costs can include these areas in the total requirements. Each form showing different total requirements will need to be numbered separately, with the particular areas to which the form applies listed on the back.

Methods I and III (pp. 2 and 4) include cost figures for all of the basic items of requirements. If a recipient's need

for any of these items is fully met each month without cost to him, the value to be shown as income should never be in excess of the amount included for the item in requirements. Method II (p. 3) differs from Methods I and III by permitting the worker to enter the amount of the standard for shelter and special needs.

Method I

Method I combines cost standards for all basic requirements.[1] The worker may use the column appropriate to the number of persons in the assistance group.[2]

The amount of total basic requirements can be printed on the form in the space where dollar marks appears on the "dummy" form. The form will then serve as a budget form for the worker to use without having to transfer the figures. This form does NOT provide for special need items.

Method I is applicable when State policies for need determination relate only to a single assistance group, without consideration of other assistance groups in the same household or of non-needy members of the same household.

The net monthly income can be computed on the form and subtracted from the total requirements to obtain the amount of the deficit and grant.

---

[1] Includes clothing, electricity, food, fuel, household equipment, household supplies, medicine-chest supplies, personal incidentals, phone, school costs, shelter, transportation, and water.

[2] Assistance group, as used in this paper, means those persons in a single public assistance program whose requirements are included in the determination of need.

The first column is provided for one adult and is divided by type of living arrangement. The cost standards are usually higher for a person who lives alone.

The State should provide an amount (in parentheses under "Children Only") for a child who does not live with parents, or whose caretaker is not needy—for example, when the child is budgeted only for food, clothing, personal incidentals, and school costs.

[Form Omitted.]

• • •

METHOD II

Method II combines cost standards for all basic requirements[1] except shelter and includes space for special needs. As in Method I, the worker may use the column appropriate to the number of persons in the assistance group.

The amount of total basic requirements (except shelter) can be printed on the form in the space where dollar marks appear on the "dummy" form. The form will then serve as a budget sheet for the worker to add shelter cost to the other requirements without having to transfer the figures.

Method II, like Method I, is applicable when State policies for need determination relate only to a single assistance group, without consideration of other assistance groups in the same household or of non-needy members of the same household.

---

[1] Includes clothing, electricity, food, fuel, household equipment, household supplies, medicine-chest supplies, personal incidentals, phone, school costs, transportation, and water.

The net monthly income can be computed on the form and subtracted from the total requirements to obtain the amount of the deficit and grant.

The first column is provided for one adult and is divided by type of living arrangement. The cost standards are usually higher for a person who lives alone.

An amount is provided (in parentheses under "Children Only") for a child who does not live with parents, or whose caretaker is not needy—for example, when the child is budgeted only for food, clothing, personal incidentals, and school costs.

Form Method II.

(See opposite ☞)

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Form No. _____

Date _____
Case Name _____
Case Number _____

METHOD II

Requirements and Budget Form for OAA, AB, AFDC, APTD 1/

A.	Number of Persons in Assistance Group: 1 Adult Alone	1 Adult Not Alone	2	3	4	5	6	7	8	Over 8 (.)	Children Only.
B. Requirements	$	$	$	$	$	$	$	$	$	$	$X(No. of Children
C. Shelter											
D. Special Needs											
E. Total											
F. Less Income											
G. Deficit											
H. Grant											

MONTHLY INCOME

Wages _____

OASI _____

Pension _____

Other _____

_____

Total _____

VERIFICATION OF INCOME

Instructions: See reverse side

1/ Includes clothing, electricity, food, fuel, household equipment, household supplies, medicine-chest supplies, personal incidentals, phone, school costs, transportation, and water.

Instructions:

Circle number of persons in assistance group (line A). Enter the amount of standard for shelter and special needs (if any) on lines C and D. Add lines B, C, and D to arrive at total (line E). Compute income in space provided at bottom of page, showing verifications. Enter total income (line F). Subtract from total requirements (line E) to obtain the deficit (line G) and the amount of the grant (line H).

Note: 1. For each person in excess of 8, show the number in the parentheses in the "over 8" column and add $——— for each such person to the printed figure already provided.

2. For children who do not live with parents, or whose caretaker is not needy, that is, for children who are budgeted only for food, clothing, school costs, and personal incidentals, multiply the number of children by the amount provided in the last column.

METHOD III

Method III combines cost standards for all basic requirements[1] but provides a different technique for using the requirements in arriving at the amount of assistance to be paid.

Many States budget the requirements for the assistance group according to the number of persons in the total household; that is, when others in the household cook and eat with the assistance group and share common household expenses, these expenses are prorated accordingly.

[1] Includes clothing, electricity, food, fuel, household equipment, household supplies, medicine-chest supplies, personal incidentals, phone, school costs, shelter, transportation, water.

Method III is designed to take this into account. The same method is applicable when two or more assistance groups live as one household.

For example, in method III if the AFDC group is composed of 3 persons who live in a household with 3 other persons, the worker will circle the figure 3 in the left stub and also circle the amount of money (dollar marks on "dummy" form) shown under 6 following across from 3 and record in the computation column on the right hand side of the form. This amount of money is for the assistance group of 3 but is different from the amount shown under the household of 3 because the group lives with 3 other people—a total household of 6. If the assistance group of 3 lives in a household alone, the worker will circle the amount under a household of 3 and record in the computation column.

This form, like Method I, has been designed to provide for the amount of the total requirements to be printed on the form. It is necessary for the worker to enter the amount in the computation column. Space is provided on the back of the form for verification of income. Space may be provided on this form for the shelter and special need items if they are not included in total requirements (see Method II).

Form Method III.

(See opposite ☞)

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Form No. _____
Date _____

METHOD III

Requirements and Budget Form for OAA, AB, AFDC, AFDC, APTD 1/

Number of Persons in Assistance Group	Living in a Household Composed of									
	1	2	3	4	5	6	7	8	9	10 or more
1	$	$	$	$	$	$	$	$	$	$
2		$	$	$	$	$	$	$	$	$
3			$	$	$	$	$	$	$	$
4				$	$	$	$	$	$	$
5					$	$	$	$	$	$
6						$	$	$	$	$
7							$	$	$	$
8								$	$	$

1/ Includes clothing, electricity, food, fuel, household equipment, household supplies, medicine-chest supplies, personal incidentals, phone, school costs, shelter, transportation, water.

Instructions: See reverse side.

Date _____
Case Name _____
Case Number _____

Computations
Circle Number of Persons in Assistance Group
Circle Size of Household; Enter This Amount Below:

Total Basics _____

Additional over 8 ( ) _____

Income _____

Deficit _____

Grant _____

_____

Monthly Income

Wages _____

OASI _____

Pension _____

Other _____

_____

_____

_____

Total Income _____

Instructions:

NOTE: 1. For each person in excess of 8, show the number in parenthesis in the space provided under computations and add $..... for each such person to the amount shown for the assistance group of 8.

2. For children who do not live with parents, or whose caretaker is not needy, that is, for children who are budgeted only for food, clothing, school costs, and personal incidentals, multiply the number of children by the amount provided in the last column.

Excerpts From *Shelter Costs and Selected Shelter Characteristics of New York State Public Assistance Recipients*, 1971 N.Y.D.S.S. Shelter Cost Survey, Defendants' Exhibit "D".

HIGHLIGHTS

1. The Statewide average shelter cost for public assistance recipients is $94. The Suburban New York average ($145) is considerably higher than that of New York City ($92), Upstate Urban New York ($97), and Rest of State ($90). Table 1

   —Statewide, the average shelter cost ranges from $80 for a person living alone to $129 for a household of seven or more persons. In Suburban New York, however, the respective costs range from $101 to $222. Again, these figures are considerably higher than those of other areas of the State. Table 1

   —The Statewide average cost for a four person household is $113. For the four person household the highest average cost is in Nassau County ($191); the lowest average cost is in Schoharie County ($81). Tables 1, 3 and 4

2. The diversity of shelter costs in the State can be seen from the ranges of actual costs found in this study. For example, the lowest shelter cost for a four person household was $27 (Westchester County), while the highest for the four person household was $303 (Suffolk County), a range of $276. For 7 or more person households the costs ranged from a minimum of $21 (Manhattan) to a maximum of $490 (Westchester), a range of $469. Tables D-1, D-2 and D-3

Shelter Costs and Characteristics—1971 N.Y.D.S.S. Shelter Cost Survey.

3. Statewide, 84% of the case load has the cost of fuel included in rent. This high Statewide average is largely due to New York City (96%) and the Suburban area (74%). In Upstate Urban areas and Rest of State, this figure is less than 50%. Table 6

4. About 14% of the public assistance caseload resides in public housing. Most of these are in the New York City (17%) and Upstate Urban areas (12%). Table 11

5. Statewide, 3% of the caseload lives in client-owned homes. The largest percentage of client home owners is found in Rest of State (13%), with Suburban New York following (9%). There are relatively few client-owned homes in Upstate Urban areas (5%) and in New York City (0.8%). Table 11

Sampling Plan

The sample drawn for the purposes of this study numbered 17,458 generally usable cases which were randomly drawn from the 62 Upstate agencies and the 43 New York City welfare centers. Of these, 11,329 were usable for determining shelter cost; 6129 cases represented public housing and client-owned homes.***

The sampling plan provides requirements as to how the data are to be drawn and ensure adequate numbers of representative cases. The basic sample design was a disproportionate stratified sample, distinguishing between single person and family cases. Since a relatively large proportion of single person cases could be expected to live in single person households, it was sufficient to draw a relatively small sample of these cases to provide enough for analysis

of shelter costs of single person households. However, it was necessary to draw a larger sample of family cases since the sample would be spread across household sizes 2 through 7+. The actual "pulling of cases" was done on the basis of case number endings. Since case numbers are assigned in no systematic way, this procedure assures a random sampling from each District and welfare centers.

• • •

Method of Reporting

The weighted arithmetic means of shelter costs are presented in tabular form for each district and for the five boroughs of New York City individually, and also for the often-used classifications of New York City, New York Metropolitan districts, Upstate Urban districts, and "Rest of State." The means are shown for each household size and for all household sizes combined.

The figures shown in Tables 1 through 5 are the weighted means of rents paid by recipients, adjusted with a current fuel pricing by household size where rent does not include cost of fuel for heat.

Many of the means for various household sizes of individual districts are subject to sampling error because many are based on small sample sizes. Means are provided, however, for each household size by district since these data provide the most recent estimates of shelter cost, and for reasons of completeness and comparability.

Supplemental tables to Tables 1 through 5 are presented in Appendix D and E. Tables in Appendix D show the ranges and extremes of the cases from which the means in Tables 1-5 are computed. Tables in Appendix E show the number of sample cases in each cell of Tables 1-5.

Also provided in the body of report are figures representing the estimated numbers and percents of recipients whose cost of fuel for heat is included in rent, and the estimated numbers and percents of recipients who live in public housing. These figures are presented for each district and the four major sub-divisions listed above.•

• It was also intended to report on the estimated numbers and percents of recipients who dwell in furnished vs. non-furnished rental units. However, the large number of "unknowns" regarding this question make such an analysis impractical.

(See opposite ☞)

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Table 2

New York City Boroughs

Mean Shelter Costs of PA Recipients by Household Sizes *
(in dollars)

	Household Sizes							
	1	2	3	4	5	6	7+	Overall Mean
New York City	77	91	98	106	111	109	118	92
Boroughs								
Bronx	77	94	99	102	104	109	112	94
Brooklyn	76	92	98	112	115	116	128	96
Manhattan	76	79	85	89	98	92	90	81
Queens	81	103	121	135	136	147	179	106
Staten Island	85	115	141	135	151	156	198	118

* Excludes public housing and recipient-owned homes.

Table 3

Suburban New York Districts

Mean Shelter Costs of PA Recipients by Household Sizes *
(in dollars)

	Household Sizes							
	1	2	3	4	5	6	7+	Overa Mean
Suburban New York	101	138	165	179	187	202	222	145
Districts								
Nassau	104	141	178	191	195	207	246	148
Rockland	107	155	150	180	176	211	253	145
Suffolk	107	154	171	190	199	207	225	162
Westchester	92	119	145	148	162	186	193	124

* Excludes public housing and recipient-owned homes.

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Table 4

Upstate Urban New York

Mean Shelter Costs of PA Recipients by Household Sizes *
(in dollars)

	Household Sizes							
	1	2	3	4	5	6	7+	Overall Mean
Upstate Urban New York	73	96	107	115	123	122	135	97
Districts								
Albany	60	85	99	110	102	122	136	85
Erie	63	82	90	97	97	105	112	80
Monroe	93	122	129	133	153	143	155	124
Niagara	74	91	102	107	116	128	127	94
Oneida	73	87	96	100	104	106	115	88
Onondaga	81	101	115	130	133	131	149	111
Rensselaer	67	78	75	93	88	90	91	77
Schenectady	70	88	105	112	114	118	129	93

* Excludes public housing and recipient-owned homes.

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Table 5

Rest of New York State

Mean Shelter Costs of PA Recipients by Household Sizes*
(in dollars)

	Household Sizes							
	1	2	3	4	5	6	7+	Overa Mean
Rest of New York State	69	90	99	106	108	111	114	90
Districts								
Allegany	62	71	82	85	94	95	94	76
Broome	75	89	108	119	132	117	138	101
Binghamton	66	98	109	121	124	133	138	93
Union	82	100	109	131	123	128	162	104
Cattaraugus	68	87	91	99	106	91	113	85
Cayuga	65	95	92	113	102	91	107	85
Auburn	76	86	100	107	109	115	125	92
Chautauqua	62	80	81	96	86	93	102	80
Jamestown	60	72	83	90	94	89	92	74
Chemung	71	92	101	101	110	108	127	94
Chenango	57	83	109	102	125	110	111	91
Clinton	60	75	87	91	96	87	97	76
Columbia	68	91	86	85	98	96	104	82
Cortland	69	99	102	110	111	124	123	91
Delaware	56	86	89	98	96	102	104	71
Dutchess	80	97	126	123	123	146	137	105
Poughkeepsie	72	100	112	118	105	120	136	93
Essex	51	68	88	88	87	96	108	71
Franklin	51	69	78	85	94	94	85	76
Fulton	66	70	83	86	99	94	90	75

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Table 5 (Cont.)

Rest of New York State

Mean Shelter Costs of PA Recipients by Household Sizes
(in dollars)

	Household Sizes							
	1	2	3	4	5	6	7+	Overall Mean
Genesee	74	101	107	105	119	134	123	98
Greene	75	93	93	108	97	104	108	85
Hamilton	59	67	79	88	80	-	91	71
Herkimer	58	72	77	94	89	90	93	71
Jefferson	59	79	86	93	89	94	104	78
Lewis	63	90	92	88	90	100	102	80
Livingston	71	84	99	107	108	121	105	91
Madison	66	83	111	117	108	124	113	93
Montgomery	55	77	78	91	89	82	92	74
Ontario	88	100	100	120	127	132	127	106
Orange	84	103	109	107	120	120	130	104
Orleans	51	76	96	106	99	109	105	84
Oswego	66	79	89	99	91	118	115	85
Oswego	64	89	113	109	132	107	103	82
Otsego	61	104	95	106	107	94	109	83
Putnam	116	111	154	160	212	177	181	133
St. Lawrence	63	82	91	103	98	107	103	85
Saratoga	71	90	106	103	94	104	108	92
Schoharie	65	94	94	81	95	124	134	75
Schuyler	66	79	103	99	99	109	100	83
Seneca	76	83	95	94	98	126	102	86
Steuben	66	69	81	93	100	101	99	79

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Table 5 (Cont.)

Rest of New York State

Mean Shelter Costs of PA Recipients by Household Sizes
(in dollars)

	Household Sizes							
	1	2	3	4	5	6	7+	Overal Mean
Sullivan	84	99	112	106	117	129	141	97
Tioga	67	82	82	103	96	97	104	85
Tompkins	91	111	133	144	136	138	156	118
Ulster	70	107	112	119	110	134	143	95
Warren	66	92	100	119	111	111	120	94
Washington	59	80	94	90	100	92	107	79
Wayne	81	90	101	113	107	113	107	96
Wyoming	68	89	95	101	100	118	107	80
Yates	75	76	69	96	80	100	95	82

* Excludes public housing and recipient-owned homes.

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Letter From Davis S. Kellogg to Borge Varmer and Letter From Elmer W. Smith to David S. Kellogg, Defendants' Exhibit "E".*

STATE OF NEW YORK
DEPARTMENT OF SOCIAL SERVICES
1450 Western Avenue
Albany, New York 12203

ABE LAVINE
Commissioner
FELIX INFAUSTO
Deputy Commissioner

December 4, 1973

Borge Varmer
Regional Attorney
Social & Rehabilitation Service
Region II
Department of HEW
26 Federal Plaza
New York, New York 10007

Dear Mr. Varmer:

Pursuant to our conversation of last week, I am requesting an opinion by your office on the legitimacy of 18 NYCRR 352.31(d) [352.30(c) and (d)]. Specifically, the questions for which I am requesting an answer are the following:

1) Is a state policy of pro-rating a shelter allowance so as to reflect the percentage of public assistance recipients residing in a household valid under 45 CFR 233.90?

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* Repeating submission to the United States Court of Appeals for the Second Circuit, pp. 153-156 *ante*.

Letter From Kellogg to Varmer.

2) If a state grants a full shelter allowance to an AFDC (ADC) recipient who has persons not in receipt of public assistance residing with him, is the total expenditure thus made reimbursable to the same extent as a shelter allowance made to an AFDC household consisting entirely of recipients?

As you are aware, I am asking these questions in connection with this Department's position in the case of *Hurley* v. *Lavine*. As the appeal in the case is in an advanced stage, I sincerely implore you to expedite your reply as much as possible.

Sincerely yours,

DAVID S. KELLOGG
Senior Attorney
New York State Department
of Social Services

Letter From Smith to Kellogg.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Region II
Federal Building
26 Federal Plaza
New York, New York 10007

SOCIAL AND REHABILITATION SERVICE

January 15, 1974

Mr. David S. Kellogg, Esq.
Senior Attorney
New York State Department
of Social Services
1450 Western Avenue
Albany, New York 12203

Dear Mr. Kellogg:

This is in response to your letter of December 4, 1973, to the Regional Attorney, requesting this Department's interpretation of the validity of the New York State regulation 18 NYCRR 352.30(c) and (d). Since you raise a policy question the matter was referred to this office.

Specifically you asked:

"1) Is a state policy of pro-rating a shelter allowance so as to reflect the percentage of public assistance recipients in a household valid under 45 CFR 233.90?

2) If a State grants a full shelter allowance to an AFDC (ADC) recipient who has persons not in receipt of public assistance residing with him, is the total expenditure thus reimbursable to the

Letter From Smith to Kellogg.

same extent as a shelter allowance made to an AFDC household consisting entirely of recipients?"

In response to your first question, HEW has permitted states to prorate shelter allowances to reflect the percentage of public assistance recipients in a household. Such a proration is not considered an assumption of income, but rather a recognition that per-individual costs decrease as the number of individuals living together increases.

In response to your second question, it has been the policy of HEW to allow federal matching for AFDC shelter payments when a state grants a full shelter allowance to an AFDC recipient who has persons not in receipt of public assistance residing with him.

Sincerely yours,

ELMER W. SMITH
Regional Commissioner

Notice of Motion to Strike on Behalf of Rose Hurley.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSE HURLEY, et al.,

Plaintiffs,

against

BARRY VAN LARE, et al.,

Defendants.

TO THE DEFENDANTS:

PLEASE TAKE NOTICE, that upon the annexed affidavit, plaintiffs will move this Court on the 19th day of July, 1974 at 9:30 A.M. or as soon thereafter as counsel can be heard at a motion term at the United States Courthouse, Foley Square, New York, New York, for an order pursuant to Rule 12(f) of the Federal Rules of Civil Procedure striking paragraphs 14 and 15 and to strike and seal Exhibit "A" of defendants Van Lare and Lavine's Answer on the grounds that they are immaterial and impertinent in violation of Federal Rule of Civil Procedure 12(f), and that the disclosure of Exhibit "A", an excerpt from the case-worker's record, violates New York Social Services Law, § 136(2), and for such other and further relief as may be just and equitable.

Dated: July 3, 1974, White Plains, New York.

Respectfully submitted,

MARTIN A. SCHWARTZ
The Legal Aid Society of
Westchester County
By: Martin A. Schwartz, of Counsel
Lawrence S. Kahn, of Counsel
Attorneys for Plaintiffs

Affidavit of Martin A. Schwartz in Support of Motion.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

[SAME TITLE]

STATE OF NEW YORK
COUNTY OF WESTCHESTER } ss.:

MARTIN A. SCHWARTZ, being duly sworn, deposes and says that:

(1) I am an attorney duly admitted to practice law in this State and in this Court. I am associated with The Legal Aid Society of Westchester County, attorney for plaintiffs herein. I am fully familiar with all of the proceedings herein. I make this affidavit in support of plaintiffs' motion to strike paragraphs 14 and 15 of defendants Van Lare and Lavine's Answer and to strike and seal Exhibit "A" to this answer.

(2) Defendants served their answer on plaintiffs' counsel on June 26, 1974. At the hearing before the Three-Judge Court in this action on June 26, 1974, defendants Van Lare and Lavine's counsel made an offer of proof as to the matters in paragraphs 14 and 15 of defendants' answer and Exhibit "A" thereto, namely, alleged gifts made by the "lodger" in the Hurley home allegedly made *prior* to the time the lodger resided in the home. Plaintiffs' counsel objected to the admissibility of this evidence on the following grounds:

(A) Defendants had admitted all the essential allegations of plaintiff Hurley's claim in their Rule 9-G Statement

in response to plaintiffs' motion for summary judgment. This included an admission that the "lodger" made no contribution to the Hurley family during the relevant four month period when the "lodger" resided with the Hurley family.

(B) Defendant Van Lare, in his "Decision After Fair Hearing", found that the "lodger" made no contribution to the Hurley family.

(C) The alleged gifts were alleged to have been made *prior* to the time the "lodger" resided in the home, and that, in any case, whether the "lodger" makes a gift to the family is an irrelevant consideration under the challenged regulations. Thus, whether these gifts were made is irrelevant to the subject matter of this action.

After hearing argument on this offer of proof, the Three-Judge Court excluded defendants' proffered evidence.

(3) In addition to the fact that the allegations set forth in paragraphs 14 and 15 and Exhibit "A" of defendants' answer are totally irrelevant to the subject matter herein, its disclosure by defendants' answer, which is now a matter of public record, violates plaintiff Rose Hurley and her children's protection of confidentiality contained in New York Social Services Law, § 136(2). Section 136(2) expressly makes confidential communications relating to a person receiving public assistance to a public welfare official or other employee, and provides that these communications may be disclosed only "*by* authority of the county, city or town public welfare official, to a person or agency considered entitled to such information." There has been no showing that the *local* agency has authorized the release of plaintiff Hurley's case record (DXA), and any such release at this time, after the court has excluded the proffered evidence, would be a clear abuse of discretion.

Since the matter contained in "DXA" is irrelevant to the subject matter of the suit, the bringing of this action cannot constitute a waiver of the confidentiality protection afforded plaintiff Hurley and her children under New York Social Services Law § 136(2).

(5) Because paragraphs 14 and 15 of the answer and Exhibit "A" annexed thereto are irrelevant to the issues, as determined by this Court's rejection of the offer of proof, they should be stricken from the answer pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Moreover, because the disclosure of that part of the case record (DXA) violates the confidentiality rights of plaintiff Hurley and her children guaranteed by New York Social Services Law, § 136(2), it should be stricken and ordered sealed.

WHEREFORE, plaintiffs respectfully pray that the motion to strike be granted, and that this Court grant such other and further relief as may be just and equitable.

(Sworn to by Martin A. Schwartz, July 3, 1974.)

Affidavit of Judith A. Gordon, in Opposition to Motion to Strike.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

[SAME TITLE]

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

JUDITH A. GORDON, being duly sworn, deposes and says:

She is an Assistant Attorney General in the office of Louis J. Lefkowitz, Attorney General of the State of New York, attorney for the defendant public officers above named, and as such she is thoroughly familiar with the facts and matters in issue in this action.

This affidavit is submitted in opposition to plaintiffs' motion to strike paragraphs "14" and "15" and to strike and seal Exhibit "A" of defendants Van Lare and Lavine's answer on the grounds that they are immaterial and impertinent under Rule 12(f) of the Federal Rules of Civil Procedure and that the disclosure of Exhibit "A", an excerpt from plaintiff Hurley's case record, violates New York Social Service Law § 136(2).

THE MOTION TO STRIKE SHOULD BE DENIED

Motions to strike redundant, immaterial, impertinent or scandalous matter under FRCP 12(f) are not favored, *Cohen* v. *City of Miami,* 54 F.R.D. 274, 277 (S.D. Fla. 1972); *Thompson* v. *United Artist Theatre Circuit, Inc.,* 43 F.R.D. 197 (S.D.N.Y. 1967); *Securities and Exchange Commission* v. *Quing N. Wong,* 252 F. Supp. 608 (D. P.R.

1966), and should be denied unless the allegations have no possible relation to the controversy, *Augustus* v. *Board of Public Instruction of Escambia County, Florida,* 306 F. 2d 862 (5th Cir. 1962), and cause prejudice to one of the parties. *King* v. *Georgia Power Company,* 295 F. Supp. 943 (N.D. Ga. 1968). Even where the allegations come within the literal meaning of the terms of the Rule 12(f), a motion to strike will be denied except upon a showing of prejudice to the moving party. *Dimet Proprietary, Limited* v. *Industrial Metal Protectives,* 109 F. Supp. 472, 474 (D. Del. 1952); *Tivoli Realty* v. *Paramount Pictures,* 80 F. Supp. 800, 803 (D. Del. 1948). "Th[e] court has repeatedly asserted that motions to strike are not regarded with favor. Generally speaking they should be granted only where the allegations are clearly immaterial to the controversy and are prejudicial . . ." *H. K. Porter Co.* v. *Bremer,* 11 F.R.D. 89, 90 (N.D. Ohio 1950). See also, *King* v. *Georgia Power Company, supra* at 948; *Budget Dress Corp.* v. *International Ladies' Garment Workers' Union, AFL-CIO,* 25 F.R.D. 506, 508 (S.D.N.Y. 1959); *Mil-Hall Textile Co.* v. *Dun & Bradstreet Inc.,* 160 F. Supp. 778, 780 (S.D.N.Y. 1958); *Kinnear-Weed Corp.* v. *Humble Oil & Refining Co.,* 214 F. 2d 891 (5th Cir. 1954).

Plaintiff Hurley does not claim on this motion, nor has she claimed heretofore, that the allegations contained in paragraphs "14" and "15" of the answer or defendants' Exhibit "A" annexed thereto are prejudicial in any way. On the contrary, the argument in court (T. 139-141) and the affidavit submitted on this motion rest on the theory that the allegations are merely irrelevant (Affidavit of Martin A. Schwartz, sworn to July 3, 1974, paragraphs 2(A), (B), (C) and (3), (5) [sic]). Thus plaintiff has failed to claim, much less to show, the requisite prejudice necessary to support her motion. *Mil-Hall Textile Co.* v. *Dun & Bradstreet, Inc., supra; Avon Pub. Co.* v. *American*

News Co., 122 F. Supp. 660 (S.D.N.Y. 1954); *Barnes* v. *A. Sind Associates*, 32 F.R.D. 39, 40, (D. Md. 1963); *Giraud* v. *Teamsters Chauffeurs, Warehousemen and Helpers, Local 901*, 46 F.R.D. 5, 6 (D. P.R. 1969); *Singer* v. *Dorr*, 38 F.R.D. 167, 169 (E.D. La. 1965); *King* v. *Georgia Power Company, supra; H. K. Porter Co.* v. *Bremen, supra; Dimet Proprietary Limited* v. *Industrial Metal Protectives, supra; Tucker* v. *A & P Food Stores*, 9 F.R.D. 607 (N.D. Ohio 1949).

Even if the court considers plaintiff's claim of irrelevance in the absence of any claim or showing of prejudice, the motion to strike should nonetheless be denied.

In support of this claim, plaintiff relies on two factual assertions. First, the alleged contributions were made by ADR prior to the four month period (November 1970-February 197[1] for which ADR was treated as a lodger under 18 N.Y.C.R.R. § 352.30(d) and 352.31(a)(3)(IV); Second, that the state statutes and regulations do not prohibit such contributions or gifts [Martin A. Schwartz affidavit, paragrahs 2(A)(B),(C) and (5)].

While plaintiff is correct in her first assertion that the contributions alleged were not made during the four month "lodger" period, they are not for that reason irrelevant.* In defendants' view, the allegations of prior contributions are germane since they, taken with the uncontested fact that plaintiff's paramour was employed in the same capacity both at the time he made the contributions and at the time he was found to be a "lodger," illustrate one of the abuses of the welfare system which § 352.30(d) is intended to prevent, namely an individual who has the capacity to constitute his share of the rent obtaining free

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* Notably, if the contributions had been made during the "lodger" period, ADR would have been a "contributing lodger" under § 352.30(d) not a "non-contributing lodger" and this case could not have been litigated in its present form.

shelter at public expense. See defendants' Memorandum of Law to the Three-Judge District Court, pp. 34-35, 66. However, even if the Court rejects defendants' view of the direct relevance of the prior contributions, they should be retained in the record as background information, particularly in view of plaintiff's offer of proof on the nature of the living arrangements among welfare recipients. *South Side Drive-In Co.* v. *Warner Brothers Picture Distributing Corp.*, 30 F.R.D. 32 (D. Penn. 1962); *Irving Berlin Inc.* v. *Anziano*, 4 F.R.D. 33 (S.D.N.Y. 1944).

THE USE OF AN EXCERPT FROM PLAINTIFF HURLEY'S CASE RECORD DOES NOT VIOLATE HER RIGHT TO CONFIDENTIALITY UNDER SOCIAL SERVICES LAW § 136(2)

The confidentiality provided for governmental records by statute is not absolute. *People* v. *Feuerstein*, 293 N.Y.S. 239, 242 (Queens Co. 1937). When an individual has accepted benefits offered under the public assistance program, then publicly disclosed his relationship with the program, he is deemed to have waived his right to the confidentiality of his records. *People* v. *Feuerstein, supra*, at 241-242; *Turner* v. *Barbaro*, 287 N Y S 2d 542, 543 (Nassau Co. 1967), aff'd 298 N Y S 2d 674 (2nd Dept. 1969); *Kelly* v. *Wasserman*, 185 N Y S 2d 538 (Court of Appeals 1959).

Plaintiff's argument that the use of her case record was not authorized under the terms of Section 136(2) is clearly misplaced [Martin A. Schwartz affidavit, paragraph (3)].

The statute specifically provides for the disclosure of "all communications and information" relating to a public assistance recipient to the Commissioner of Social Services or his authorized representative. In the case at bar, the Attorney General of the State of New York, is the authorized representative of the Commissioner of Social Services.

Should the Court be concerned with any potential harm to plaintiff Hurley from further public exposure of the facts contained in the case record excerpt, the proper course of action is to order the excerpt sealed. It is your deponent's understanding that this procedure was in fact followed in *Wyman* v. *James,* 400 U.S. 309 (1971).

WHEREFORE, your deponent prays for an order denying plaintiff's motion to strike paragraphs "14" and "15" of the Answer and to strike and seal Exhibit "A" annexed thereto.

(Sworn to by Judith A. Gordon, July 19, 1974.)

Order Granting Motion to Strike.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

[SAME TITLE]

Plaintiffs having moved this Court to strike paragraphs 14 and 15 of defendants Van Lare and Lavine's Answer and to strike and seal Exhibit "A" to defendants Van Lare and Lavine's Answer, on the ground that this matter is immaterial and impertinent in violation of Federal Rule of Civil Procedure 12(f) and that the disclosure of Exhibit "A" to the answer violates New York Social Services Law §136(2), and defendants Van Lare and Lavine having submitted an affidavit in opposition to this motion, the Court having taken this matter under sub-

mission and having granted plaintiffs' motion to strike, it is

ORDERED that paragraphs 14 and 15 of defendants Van Lare and Lavine's answer and Exhibit "A" to defendants Van Lare and Lavine's answer be and hereby are stricken from the answer, and it is further

ORDERED that Exhibit "A" to defendants Van Lare and Lavine's answer be sealed so as to protect the confidentiality protection of New York Social Services Law §136(2); and it is further

ORDERED that defendants Van Lare and Lavine file an amended answer in conformity with this order within five (5) days after the date of its entry.

Filed August 1, 1974

ARNOLD BAUMAN
Hon. Arnold Bauman
U.S.D.J.

Amended Answer of State Defendants in *Hurley* v. *Van Lare*.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

[SAME TITLE]

The state defendants answering the Amended Verified Complaint herein by their attorney, Louis J. Lefkowitz, Attorney General of the State of New York, respectfully allege upon information and belief:

1. Deny so much of paragraphs "1" and "2" as alleges that the constitutional claims raised are substantial enough to establish a cause of action under 42 U.S.C. § 1983 and to vest this Court with jurisdiction under 28 U.S.C. § 1343(3) and (4) and that any claim on behalf of welfare recipients to retroactive awards of public assistance benefits is authorized by 28 U.S.C. §§ 2201, 2202, Rule 57 of the Federal Rules of Civil Procedure and/or by 42 U.S.C. § 1983.

2. Deny so much of paragraph "3" as alleges that the constitutional claims alleged are substantial enough to warrant the convening of a three-judge court.

3. Deny so much of paragraphs "5" and "6" as alleges that a class action is proper in the premises and alternatively, if determined to be proper that said class is broader than all residents of the State of New York who are or will be receiving public assistance, and who have had their grants of public assistance reduced, terminate, suspended or denied or who may be threatened with reduction, termination, suspension or denial of public

assistance, solely because of the presence of a non-contributing lodger in the home pursuant to 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv).

4. Deny so much of paragraphs "7" and "8" as alleges that defendants Van Lare and Lavine are liable for suit in their individual capacities in this action.

5. Deny paragraph "14" except as it pertains to November and December of 1970 and January and February of 1971 and except as it alleges that plaintiff's male friend was not under any legal obligation to provide financial assistance or support to plaintiff or her children.

6. Deny paragraph "20" except as it alleges that the application of §§ 352.30(d) and 352.31(a)(3)(iv) affected a reduction of $120 in the amount of public assistance paid to plaintiff and her children over a four month period.

7. The state defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph "21" except that said defendants deny that 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) prevent plaintiff from associating with her male friend.

8. Deny so much of paragraph "22" as recites 18 N.Y.C.R.R. § 352.30(c) on the grounds that the section is not relevant to this action.

9. Deny each and every allegation in paragraphs "24", "25", "26", "27", and "28".

FACTUAL ALLEGATIONS

10. At all times relevant herein plaintiff Hurley has been and continues to be a recipient of public assistance

on the AFDC program on behalf of herself and her three minor children Doreen, Jamie and John.

11. From on or about December 8, 1969 until March 5, 1971, plaintiff Hurley and her children resided in a first floor apartment at 210 Hillside Avenue, Mount Vernon, New York, County of Westchester. Said apartment consisted of at least the following rooms: Living room, kitchen with dining area, three bedrooms, and bath. Plaintiff Hurley's actual rent was $150 per month. With the exception of the period of November and December 1970 and January and February 1971, discussed further below, Mrs. Hurley's AFDC unit received a shelter allowance equal to the actual rent. The applicable local maximum was $182 per month.

12. On March 5, 1971, Mrs. Hurley and her children moved from the Hillside Avenue address to 12 Wallace Avenue in Mount Vernon (then her parent's home) and on April 29, 1971, from the Wallace Avenue address to 90 Brookside Avenue, also in Mount Vernon. On or about November 1, 1973, Mrs. Hurley and her children moved to R.D. #1, Bloomingburg, New York, County of Sullivan.

13. On or about November 28, 1967 the Westchester County Department of Social Services provided Mrs. Hurley's public assistance unit with a grant of $718.50 pursuant to her request for the purpose of obtaining furniture.

14. During the months of November and December 1970, and January and February 1971, Mrs. Hurley's male friend (ADR) resided with her and her minor children. During this period of time, ADR continued to be employed but did not pay any portion of the shelter costs or contribute to the support of plaintiff or her children.

15. Upon being satisfied that the ADR was in fact residing with Mrs. Hurley at her apartment, Westchester County Social Services advised plaintiff that the public assistance unit's grant would be reduced by $35 per month with reference to the four month period aforesaid.

16. Mrs. Hurley sought a state "fair hearing" with respect to the reduction which was held on March 22, 1971. As a result of the decision thereon the Westchester County action was modified to conform with 18 N.Y.C.R.R. §§ 352.30 (d) and 352.31(a)(3)(iv) and a reduction of $30 per month (⅕ of $150 shelter allowance) was ordered with reference to the four month period.

17. After February 28, 1971, ADR ceased to reside with Mrs. Hurley and there has been no pro-rata reduction in her shelter allowance since that date.

AS AND FOR A FIRST DEFENSE.

18. The Court lacks subject matter jurisdiction because of the insubstantiality of the constitutional claims alleged.*

AS AND FOR A SECOND DEFENSE.

19. 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) are consistent with federal law and the regulations promulgated pursuant thereto including 42 U.S.C. §§ 602(a)(7), (10) and 606 and 45 C.F.R. § 233.90.*

AS AND FOR A THIRD DEFENSE.

20. 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) do not violate any of plaintiff's rights under the First Amend-

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* Previously argued and repeated herein only for completeness.

ment of the United States Constitution and/or any constitutional right to privacy.

AS AND FOR A FOURTH DEFENSE.

21. 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) do not violate any of plaintiff's rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

AS AND FOR A FIFTH DEFENSE.

22. 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) do not violate any of plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

WHEREAS, the state defendants pray for judgment dismissing the complaint for want of jurisdiction or alternatively, declaring 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) constitutional under the First and Fourteenth Amendments and for such other and further relief as the Court deems just and proper on the premises.

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
Attorney for Defendants
Van Lare and Lavine
By
s/ JUDITH A. GORDON
JUDITH A. GORDON
Assistant Attorney General

(Verified by Judith A. Gordon, August 12, 1974.)

Opinions of the Three-Judge District Court

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Before HAYS, Circuit Judge, BAUMAN, District Judge, and WEINSTEIN, District Judge.

WEINSTEIN, District Judge:

Plaintiffs complain on behalf of a class of some 10,000 that the New York State regulations automatically reducing aid to families with dependent children (AFDC) (42 U.S.C. §§ 601-44) if the recipient houses a non-contributing "lodger" are unlawful both on constitutional and statutory grounds. Separate civil rights actions were brought in the Southern and Eastern Districts of New York. 42 U.S.C. § 1983; 28 U.S.C. § 1343(3); Fed. R. Civ. P. 23.

In each action the District Court sustained plaintiffs' statutory claim without considering the constitutional issues. *Hurley* v. *Van Lare,* 365 F. Supp. 186, (S.D.N.Y. 1973); *Taylor* v. *Lavine* (unreported), Slip Op. 73-C-699 (E.D.N.Y. 1973). The Court of Appeals reversed and remanded the cases "for the convening of a three-judge court to consider the constitutional issues. *Taylor* v. *Lavine,* —— F. 2d ——, ——, Slip Op. 73-2731 at p. 3470 (2d Cir. 1974).

The actions have been consolidated for consideration of the constitutional issues by a three-judge court. 28 U.S.C. §§ 2281, 2284. *Cf. Gaddis* v. *Wyman,* 304 F. Supp. 717, 720 (S.D.N.Y. 1969), *aff'd per curiam sub nom. Wyman* v. *Bowens,* 397 U.S. 49, 90 S. Ct. 813 (1970). It is urged that the New York State "lodger" regulations (1) create an irrebuttable presumption offensive to due process; (2) invade rights to privacy and free association; and (3) deny equal protection of the laws. For the reasons set forth below, we conclude that the regulations in question are unconstitutional.

The AFDC program was designed by Congress "to help maintain and strengthen life," and to encourage recipients "to retain . . . personal independence consistent with . . . care and protection" of dependent children. 42 U.S.C. § 601. As enforced, the state regulations are corrosive of these goals. The nation's generous spirit of concern for the poor, with its concomitant desire to equalize the developmental opportunity of a young generation impoverished, has been thwarted. Unless checked there is a clear tendency in such regulations as are before us to strip welfare recipients of the last vestiges of their sense of personal worth, to force them, in words used to describe a group existing on the edge of extinction, to "live on as a people without life, without passion, beyond humanity." C. M. Turnbull, THE MOUNTAIN PEOPLE 295 (Simon & Shuster Touchstone ed. 1972).

I. FACTS

A. CHALLENGED REGULATIONS

The federal AFDC program provides states with matching funds to assist the "needy child . . . who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent . . .". 42 U.S.C. § 606(a). Among the New York regulations under which AFDC funds are distributed are the two challenged here--18 N.Y.C.R.R. § 352.30(d), which reduces a recipient's shelter allowance if the recipient houses a noncontributing "lodger," and 18 N.Y.C.R.R. § 352.31(a)(3)(iv), which treats a man living with a female recipient but not married to her as a "lodger." These regulations read:

> "*A non-legally responsible* [for support of the aided persons] relative or unrelated *person* in the household, who is not applying for nor receiving public assistance shall not be included in the budget and *shall be deemed to be a lodger* or boarding lodger. . . . *In the event a lodger does not contribute at least $15 per month, the family's shelter allowance* including fuel for heating, *shall be a pro rata share of the regular shelter allowance.*" 18 N.Y.C.R.R. § 352.30(d). [Emphasis added.]
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> "When a female applicant or recipient is living with a man to whom she is not married . . . his available income and resources shall be applied in accordance with the following:
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> • • •
>
> "(iv) When the man is unwilling to assume responsibility for the woman or her children, and there are no children of which he is the acknowledged or adjudicated father, he shall be treated as a lodger in accordance with section 352.30(d)." 18 N.Y.C.R.R. § 352.31(a)(3).

Ostensibly New York enacted 18 N.Y.C.R.R. 352.30(d) pursuant to its duty under the federal AFDC program to determine a recipient's actual need by taking "into consideration any other income and resources of any child or relative claiming aid to familites with dependent children." 42 U.S.C. § 602(a)(8). Aimed as it is at preventing state welfare funds from going where they are not needed, the regulation makes two alternative irrebuttable presumptions. First, it presumes that a recipient family able to have a noncontributing lodger needs less housing space for its own use and consequently needs less money to pay for less space. The second alternative presumption is that a recipient family able to house a noncontributing lodger—even if the family could not reasonably subsist in less space

—somehow needs less money to pay its share of the rent. Apparently the rationale of this presumption is that the lodger could, should, and therefore would, pay his or her proper share of the rent if forced to by a reduction in the recipient family's shelter allowance, for it assumes—irrebuttably—that, at least if he is a male, a "lodger" has "available income and resources." 18 N.Y.C.R.R. § 352.31 (a)(3)(iv).

Under the regulations no hearing to determine if, or how, a reduction will adversely affect particular dependent minor children can be had. There can be no hearing to decide whether in any particular case the presumptions are contrary to the facts. Whether the "lodger" be a sister, a child, or adult companion who helps hold the family unit together, whether this "lodger" can or will contribute towards the rent, and whether the "lodger's" presence saves the state money are all undisputable under the regulations.

B. Those Affected by the Regulations

The backgrounds of the named plaintiffs have been sufficiently set forth in prior published opinions. *See* —— F. 2d —— (2d Cir. 1974); 365 F. Supp. 186 (S.D.N.Y. 1973). Local welfare agencies have reduced or are threatening to reduce the shelter allowances of AFDC recipients on the basis of these regulations: Mrs. Hurley and her three children from $150 to $115 because she lived with a man not her husband; Mrs. Taylor and her two children from $165 to $110 because she allowed her incapacitated sister to stay with her; and Mrs. Otey and her minor son from $145 to $96.65 because she allowed an adult unemployed son to sleep in the apartment.

Typical of the factual situations which welfare officials must ignore in applying the mechanical regulation is that related by Mrs. D, who testified at the trial. She and her

two minor children reside in Mount Vernon in an apartment characterized by Paul Davidoff, a distinguised urban planner, as "far below a modern standard for decent accommodations for a family of that size." They have received AFDC assistance for approximately the last six and one-half years. She has not seen or heard from her husband since July, 1965; when she attempted to obtain a divorce Legal Aid could not go forward with the case, she testified, because she could not afford necessary disbursements. Over the past six years Mrs. D has been hospitalized some dozen times for surgical and other treatment. Because of her illnesses and periods of convalescence, plaintiff has not been able to carry out many family and household functions; obviously she is not well and seems aged beyond her years.

A male friend of the family has taken up residence in the D household. During Mrs. D's periods of illness and convalescence, he took care of her and her children, shopped for food, washed the family's clothes, cooked the family's meals, cleaned the house and performed other household tasks. He, himself, has various disabilities including extreme high blood pressure and he is presently unable to work. He is under no legal obligation to support the family and, in fact, has provided no financial support. Because of his presence local welfare officials informed Mrs. D:

> "Quality control reports of 1/15/72 indicated that Mr. [M.] resides with you and your family. Therefore, we are pro-rating your rent ¾ of $175 = $131.40."

The proposed reduction in Mrs. D's public assistance grant would leave the mother and two children with insufficient funds to purchase those necessities of life—food and clothing—requisite for a minimum standard of living.

Whether the state would save money were the male to leave—or himself successfully apply for a welfare grant, as he probably could—is not clear. In view of the mother's

health, one of her social workers informed her that she would be entitled to homemaker and other assistance. The effect on the children, who now refer to the man as "daddy," of his leaving certainly cannot be assumed to be beneficial.

Mrs. D's case is illustrative of many situations where a mother on welfare houses a noncontributing adult male companion. The poor do not necessarily cohabit on a bed of roses. In the D's case the two sickly adults and two young children abandoned by their father live in substandard accommodations and use broken furniture—purchased from a company to which Mrs. D had been steered by a welfare worker; and the children and mother receive a bare subsistence allotment for food and other necessities.

D's case was put in perspective as typical by Professor Herbert Gans of Columbia University, whose work in the sociology of the poor is well known and highly regarded. He described the reason for the prevalence of such arrangements among the poor as follows:

> ". . . Poor people often live a very insecure existence, not only in terms of the amount of money they have, but the uncertainties about how long they will have it. . . .
>
> "So, quite frequently you do get a pattern among poor people, if they can't work or they can't find work either temporarily or permanently, of moving in with a relative, either temporarily or permanently, because there simply isn't any money to establish or to continue to maintain one's own household. And typically, then, the people then become lodgers, help out in the family in various ways in lieu of paying rent, helping to raise the children, taking care of the house, doing a variety of things. I think that's one major explanation.
>
> "There are poor people who either feel that their poverty is temporary and don't want to go on welfare, don't want to get involved with being on welfare—welfare itself is a full-time job quite often—you know, filling out of the forms, dealing with the regulations, dealing with the social workers and the case workers, and what have you, and so they simply say we are not going to go on welfare and hope perhaps their problem is temporary. Other people . . . just . . . have the pride of independence, as it is sometimes called, and say they want to make it on their own however that is going to be."

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This "doubling up phenomenon among poor people . . . is particularly [prevalent] . . . where the head of the household is a woman." He went on to add:

> ". . . where there is poverty and insecurity people get very dependent on each other to tide them over during crises, so that you have, and this has been found in studies all over the world among poor people . . . [,] a very generous extension of help and hospitality to others, relatives and close friends.
>
> "And this exists not because poor people are necessarily more altruistic or more generous than other people, but because this is really the only way you can survive in a crisis. If you don't have somebody who you can rely on to bail you out with a couple of dollars to get you to the hospital, if one of your kids suddenly gets sick, to provide you a room if your landlord evicts you or if your building burns down or becomes uninhabitable, if this ability to call on somebody for help is not available, then survival for the poor is much more risky. And so what happens is you get a pattern of mutual help, of mutual obligation, people helping

each other because they know if they help somebody when they have a problem they will be helped in return.

"One part of this helping phenomenon is people making room in their house for somebody who is in need of shelter temporarily or permanently, and again only in this case on the grounds that if I don't do it for him or her now, he won't do it for me when I am faced with that problem."

As Dr. Gans pointed out, "This is a very important phenomenon that middle class people don't do much of and don't understand."

It is this need for mutual help that explains, Dr. Gans noted, why housing, which is already inadequate, is shared with others:

". . . especially [in] the New York area, they get small apartments with small rooms, if they are [on] Welfare . . . so they live in a minimum space to begin with.

"When somebody else comes in they become more crowded, obviously. But the exchange—they make this sacrifice because again this is a perfect example of obligation of mutual help that I discussed earlier. You make a sacrific because then you obligate the other person to help you when you are in need."

The effect of enforcing regulations such as we have before us is to force the man out of the house. As Dr. Gans testified:

". . . divorce has always been very difficult for the poor to get because (a) it costs money to get divorced, (b) it costs money to get a lawyer, until recently it was impossible for poor people to get free legal help, so

that there has been a long tradation of simply physical separation but no divorce."

• • •

". . . I am talking generally [about] what happens in the poor community.

"Quite often the relationship between men and women is a very fragile one, particularly when the men are . . . economically marginal in society and told that they are not useful economically, (a) the men don't have much money, (b) their egos are very sensitive and they might just say well, if you ask me to pay I will just move out on you and that would be the end of—in essence, the relationship would be sacrificed to whatever the rental money was.

". . . if the lodger is a man who is living with a woman, he becomes a lodger to serve a variety of functions in the family, helping raise the children, taking care of the house, I think the relationships are such that if the woman asked him for money, in most cases he doesn't have it, even if he had it he might say well, if you put it on that basis, I will just move out and then the woman is deprived of the relationship with the man which is part of life and of the fatherly functions that this kind of lodger often performs."

II. The Law

A. The Due Process Claim

As the Supreme Court again noted this Term in *Cleveland Board of Education* v. *LaFleur*, 414 U.S. 632, 644, 94 S. Ct. 791, 798 (1974), declaring invalid a presumption that pregnant women were incapacitated from teaching, "'permanent, irrebutable presumptions have long

been disfavored under the Due Process Clause of the Fifth and Fourteenth Amendments.'" There is no warrant for automatic denial of a right on the basis of an irrebutable presumption, "when that presumption is not necessarily or universally true in fact, and when the state has reasonable alternative means of making the crucial determination." *Vlandis* v. *Kline,* 412 U.S. 441, 452, 93 S. Ct. 2230, 2236 (1973) (irrebuttable presumption of nonresidency of student invalidated). *See also, e.g., United States Dep't of Agriculture* v. *Murry,* 413 U.S. 508, 93 S. Ct. 2832 (1973) (denying food stamp eligibility on basis of irrebuttable presumptions of lack of need unconstitutional); *Stanley* v. *Illinois,* 405 U.S. 645, 92 S. Ct. 1208 (1972) (irrebuttable presumption preventing unwed father's custody of child violative of due process); *Stewart* v. *Wohlgemuth,* 355 F. Supp. 1212 (W.D. Pa. 1972) (irrebuttable presumption terminating welfare benefits of college students violative of due process); *Owens* v. *Parham,* 350 F. Supp. 598 (N.D. Ga. 1972) irrebuttable presumption reducing shelter allowance on ground members of household bear pro rata share of expenses violative of due process); *Boucher* v. *Minter,* 349 F. Supp. 1240 (D. Mass. 1972) (irrebuttable presumption terminating shelter allowance where stepfather lives in same house violative of due process).

1. The Presumptions Relied Upon by the State

A. *Less space needed if "lodger" present.*

The presumption that a recipient family able to house a noncontributing lodger needs less space for its own use "is not necessarily or universally true in fact." The lodger may be an older child sharing a single or bunk bed with a younger sibling, or a disabled relative sleeping on the couch. If the lodger is the mother's adult male companion,

he may be sharing the mother's own bed. None of these plausible factual circumstances fairly imply that the family could realistically subsist in less space.

Moreover, even if we were to assume that a family able to house a noncontributing lodger needs less space for its own use, under present conditions many families could not locate habitable smaller quarters. Plaintiffs' housing expert, Mr. Paul Davidoff, gave uncontradicted testimony that in the New York City metropolitan area, the poor live in housing that is predominantly substandard and inadequate in terms of space, and that, therefore, it is highly unlikely that a family on welfare could find and move into a liveable smaller apartment.

The almost zero vacancy rate for low-rental housing in large parts of New York State supports Mr. Davidoff's conclusion. *See, e.g., Talbot* v. *Romney,* 321 F. Supp. 458, 470 (S.D.N.Y. 1970) (vacancy rate drop from 3.2% in 1965 to 1.2% in 1968); *Parkwood Realty Co.* v. *Marcano,* 353 N.Y. Supp. 2d 623, 625 (N.Y.C. Civ. Ct. 1974); 1970 Census of Housing, Detailed Housing Characteristics: New York 34-167, 34-171; State of New York, Executive Department, Division of Housing and Community Renewal, Survey Report on Rental Housing 3 (1969); J. C. Lynn, Recent Housing Trends in Westchester County 7, 8 (Westchester Planning Occasional Papers, Winter 1974); Report on Housing and Rents of the Temporary State Commission on Living Costs and the Economy 72-73 (1974); Economic Consultants Organization, Inc., Residential Analysis for Westchester County, Growth of Demand and Supply: 1970-1990, Interim Report No. 3, 50 (1970); Interim Report No. 5, 47 (1970). Low cost housing available to welfare recipients is further constricted by negative community attitudes toward minority groups and subsidized housing (Interim Report No. 5; *supra,* at p. 47; Interim Report No. 3, *supra,* at pp. 3-4) and the

lack of institutional financing available for buildings currently housing recipients. City of New York, THE URBAN HOUSING DILEMMA: THE DYNAMICS OF NEW YORK CITY'S RENT CONTROLLED HOUSING 551-53 (Prel. undated). Negative attitudes of landlords and apartment owners toward public assistance recipients also limits availability. City of New York, THE URBAN HOUSING DILEMMA, *supra,* at pp. 555-56, 564-66.

The welfare recipient is put at more of a disadvantage in the ever shrinking housing market since she or he lacks "contacts" and entries into the market system. Fewer than 10% of recipients obtain housing through the Department of Social Services in Westchester County. INTERIM REPORT No. 7 (1970), *supra,* at pp. xii, 101. "Urban renewal and construction of public housing have had little impact on the number of units available to low income households. In most instances, new units built merely replace existing units removed from the stock." INTERIM REPORT No. 3, *supra,* at p. 3. The long waiting lists for public housing are well known.

It is apparent, therefore, that even if a family housing a noncontributing lodger could subsist without the lodger in a smaller apartment, the family probably could not locate decent smaller quarters. In that event, the family's rental expenses would remain as high as they were before the lodger came; there would be no dimunition of financial need.

If not for the challenged regulations and the irrebuttable presumptions they make, we would have thought it beyond debate that a family on public assistance might choose to house a non-contributing lodger for many reasons other than the presumed excess of living space. For example, a recipient might agree out of familial kindness and generosity to shelter a family member or relative who might otherwise suffer. Or a lonely mother raising her fatherless children might house a friend out of a deep, human

need for supportive, adult companionship. A welfare regulation encouraging a woman in Mrs. D's circumstances to remove her "lodger" exacerbates the familial disintegration already experienced by the urban poor.

In short, the presumption that a recipient family able to house a non-contributing lodger needs less space for its own use is neither necessarily nor univerally true in fact. The evidence before us shows it has no basis in fact for many AFDC families.

B. *Less financial need where "lodger" present.*

Similarly, the second, alternative, presumption that a recipient family able to house a noncontributing "lodger" —even if the family does not *ipso facto* need less space for its own use—needs less money to pay its own, *pro rata,* share of the rent is neither necessarily nor universally true. Unless the lodger pays a "share" of the rent, the family's rental expenses are not affected by the "lodger's" presence.

But the state may not conclusively presume that a lodger will pay his share of the rent, under the compulsion of a reduced shelter grant, merely because ethically he should or theoretically he could. *See* R. M. O'Neil, THE PRICE OF DEPENDENCY 253-254 (1970) (reasons why many people eligible for relief do not seek it); F. F. Piven & R. A. Cloward, REGULATING THE POOR 165 (Vintage ed. 1972) ("degradation at the hands of relief officials . . . deters actual or potential workers from seeking aid."). "[F]ederal law prohibits a conclusive presumption of support." *Taylor* v. *Lavine,* —— F. 2d ——, —— Slip Op. 73-2731 at p. 3477 (2d Cir. 1974). We know from the evidence before us that some AFDC family "lodgers" do not pay anything towards rent.

Certainly "the state has reasonable alternative means of making the crucial determination" (*Vlandis* v. *Kline,* 412

U.S. 441, 452, 93 S. Ct. 2230, 2236 (1973)) as to space and contribution where a lodger is present or believed present. That alternative means is the "Fair Hearing," a proceeding provided by 18 N.Y.C.R.R. § 358.1-21 to review the reduction of AFDC grants.

Making these individualized determinations may not completely serve the cause of "administrative efficiency but as the Supreme Court stated in *Stanley* v. *Illinois,* 405 U.S. 645, 656, 92 S. Ct. 1208, 1215 (1972):

> "[T]he Constitution recognizes higher values than speed and efficiency. Indeed, one might fairly say of the Bill of Rights in general, and the Due Process Clause in particular, that they were designed to protect the fragile values of a vulnerable citizenry from the overbearing concern for efficiency and efficacy that may characterize praiseworthy government officials no less, and perhaps more, than mediocre ones." (Footnote omitted.)

See also Cleveland Board of Education v. *LaFleur,* 414 U.S. 632, 646, 94 S. Ct. 791, 799 (1974).

Irrebuttable presumptions are offensive to due process because they effectively deny an individual the essential procedural right to challenge the purported factual basis of a determination adversely affecting his own liberty or property. In this case the "property" right in question is the AFDC recipient's statutory entitlement to a shelter allowance commensurate with actual need. Thus the rule against irrebuttable presumptions is an aspect of procedural, not substantive, due process. *See Vlandis* v. *Kline,* 412 U.S. 441, 455, 93 S. Ct. 2230, 2238 (1973) (Marshall, J., concurring, joined by Brennan, J.); *see also* Note, The Supreme Court, 1972 Term, 87 Harv. L. Rev. 57, 70 n. 21 (1973); *cf. Bell* v. *Burson,* 402 U.S. 535, 91 S. Ct. 1586 (1971); *Goldberg* v. *Kelly,* 397 U.S. 254, 90 S. Ct., 1011 (1970).

Before reducing the shelter allowance of a recipient famiy because the family houses a noncontributing lodger, the state must make an individualized determination of whether the presence of the lodger does *in fact* diminish the family's shelter needs. If presumptions are used they must be rebuttable. *See* Proposed Federal Rules of Evidence 301, promulgated by the Supreme Court but not yet effective. This constitutionally required result is consistent with the statutory mandate of the federal AFDC program. *See, e.g., Shea* v. *Vialpando,* —— U.S. ——, 94 S. Ct. 1746 (1974); *Lewis* v. *Martin,* 397 U.S. 552, 90 S. Ct. 1282 (1970); *King* v. *Smith,* 392 U.S. 309, 88 S. Ct. 2128 (1968); *Hausman* v. *Dep't of Institution & Agencies,* 64 N.J. 203, 314 A. 2d 362, *cert. denied,* —— U.S. ——, ——, S. Ct. —— (1974); *Rosen* v. *Hursh,* 464 F. 2d 731 (8th Cir. 1972); *Mothers and Childrens Rights Org., Inc.* v. *Stanton,* 371 F. Supp. 298 (N.D. Ind. 1973); *Gaither* v. *Sterrett,* 346 F. Supp. 1095 (N.D. Ind.), *aff'd,* 409 U.S. 1070, 93 S. Ct. 688 (1972); *X* v. *McCorkle,* 333 F. Supp. 1109 (D.N.J. 1970); *aff'd per curiam sub nom. Engelman* v. *Amos,* 404 U.S. 23, 92 S. Ct. 181 (1971); *Gilliard* v. *Craig,* 331 F. Supp. 587 (W.D.N.C. 1971), *aff'd,* 409 U.S. 807, 93 S. Ct. 39 (1972), *reh. denied,* 409 U.S. 1119, 93 S. Ct. 892 (1973); *Jenkins* v. *Georges,* 312 F. Supp. 289 (W.D. Pa. 1969); *Solman* v. *Shapiro,* 300 F. Supp. 409 (D. Conn.), *aff'd,* 396 U.S. 5, 90 S. Ct. 25 (1969); *Battle* v. *Lavine,* 44 App. Div. 2d 307, 354 N.Y.S. 2d 680 (2d Dep't 1974). *See also* 45 C.F.R. 233.20(a)(1); 233.20(a)(3)(ii); and 233.90(a).

III. Other Claims

A. Anomaly in Regulation

Under state administrative interpretations section 352.30(d) requires a "lodger" to contribute only $15.00

per month to the recipient family's rent; it does not require the lodger to pay a "pro rata share" of the rental. To encourage the taking in of rent-paying lodgers the first $15.00 of lodger income is, under the regulation, ignored. As one of the state's witnesses admitted, the New York statutory lodger policy achieves this anomalous result: if a lodger pays $15.00 per month, the recipient family has nothing deducted from its shelter allowance; but if the lodger pays less than $15.00 or nothing at al, the family has a full, pro rata share of its shelter allowance—in some of the instances before us as much as $50.00—deducted.

The head of a household on welfare might the witness conceded, avoid the impact of § 352.30(d) altogether by loaning a lodger $15.00 per month to enable him to make a $15.00 rental contribution and then later cancelling the loan if it was not repaid. Generally, however, welfare families are not skilled in the art of self-interested financial manipulation. The possibility, therefore, that all members of the class might evade the regulation does not make it illusory and has no effect on its invalidity.

B. Sex Discrimination

It is not clear that New York's statutory lodger policy makes a distinction on the basis of sex. While § 352.31(a)(3)(iv) is limited by its terms to a "male" lodger, this section is apparently superfluous. Section 352.30(d) speaks of a "non-legally responsible relative or unrelated *person*" (emphasis added); this section, standing alone, presumably would apply to a female living with but not married to a father-recipient no less than a male living with but not married to a mother-recipient.

C. Free Association and Privacy

The State of New York is entitled—and as a participant in the federal AFDC program is under a duty to determine actual need in granting welfare, including shelter assistance. Inquiring whether a lodger's presence in fact indicates a diminished need for shelter assistance is hardly a violation of plaintiffs' rights. The constitutionally protected rights of free association and privacy do not compel the states to misallocate their scare welfare resources. The problem with the regulations under challenge here is not that they somehow invade rights of free association or privacy, but that they do not determine *actual* needs; rather they proceed on the basis of irrebuttable presumptions neither necessarily nor universally true in fact. Only if the challenged regulation sought to prescribe plaintiffs' familial or sexual life style, would the free association-privacy claim merit further consideration. *See United States Dep't of Agriculture* v. *Moreno*, 413 U.S. 528, 93 S. Ct. 2821 (1973).

D. Equal Protection

Plaintiffs also claim that the challenged regulations deny them equal protection of the laws. The challenged regulations distinguish between two groups of welfare recipients: those who house a non-contributing lodger and those who do not. The purported objective of this distinction is a constitutionally appropriate one since, as we have pointed out, New York may seek to allocate its scarce welfare resources where they are most needed. The related issue of whether there is a factual basis making at least rational the legislative judgment that families housing noncontributing lodgers have a diminished need for shelter allowance, must be resolved by individualized determinations in accordance with the mandate of due process. In the circumstances of this case, the equal protection claim overlaps analytically with the due process claim. It is, therefore, unnecessary to articulate a separate equal protection ground of decision.

E. Mootness

Since the controversy affects many AFDC families and this is a class action, there is no need to decide whether a particular named plaintiff is still being adversely affected by the challenged regulations. *Taylor* v. *Lavine,* —— F. 2d ——, —— n. 3, Slip Op. 2731 at 3473 n. 3 (2d Cir. 1974). Where there are numerous class members who suffer the same harm complained of by the named plaintiffs, or who are subject to like treatment in the future, the action does not become moot as to them and there remains a justiciable controversy. *See, e.g., Richardson* v. *Ramirez,* —— U.S. ——, —— S. Ct. ——, Slip Op. 72-1589 at pp. 14-15 (1974); *Johnson* v. *New York State Education Dep't,* 409 U.S. 75, 76, 93 S. Ct. 259, 260-61 (1972) (Marshall, J., concurring); *Jenkins* v. *United Gas Corp.,* 400 F. 2d 28 (5th Cir. 1968); *Steinberg* v. *Fusari,* 364 F. Supp. 922, 928 (D. Conn. 1973), appeal pending, —— U.S. ——, 94 S. Ct. 1406 (1974).

IV. Conclusion

Section 18 N.Y.C.R.R. § 352.30(d) and § 352.31(a)(3)(iv) are invalid to the extent stated in this opinion. The parties shall settle an order on forty-eight hours notice.

So ordered.

Dated: New York, New York, August 5, 1974.

Jack B. Weinstein
Arnold Bauman

Hays, *Circuit Judge,* dissenting:

I dissent.

The challenged regulation, 18 N.Y.C.R.R. § 352.30(d), is not unconstitutional. It sets up no "irrebutable presumption . . . not necessarily or universally true in fact." *Vlandis* v. *Kline,* 412 U.S. 441, 452 (1973).

In *Taylor* v. *Lavine,* Docket No. 73-2731, slip op. at 3465 (2d Cir. 1974), the Second Circuit considered the validity of section 352.30(d) in light of section 406 of the Social Security Act, 42 U.S.C. § 606(a) (1970), and 45 C.F.R. § 233.90(a). In *Taylor* the court held that section 352.30(d) does not create an irrebuttable presumption of contribution offensive to section 406(a) or the federal regulation.[1] It reasoned that prorating shelter costs between AFDC-eligible and non-eligible members of a household insures that AFDC funds are disbursed only to individuals who have demonstrated their need for assistance. It found that the New York regulation is reasonably justified by considerations such as the severability of individual needs, the divisibility of space, and the economies of scale that result from combining small living units into larger groups:

> "Prorating housing costs between the recipient and non-recipient simply reflects the separability of the need of the AFDC-eligible family members from the needs of persons who have not demonstrated their eligibility for public assistance. Indeed, if a section 352.30(d) lodger can separately demonstrate his eligibility for public aid, the AFDC shelter allowance is increased to include his share. . . ." *Taylor* v. *Lavine,* Slip op. at 3477-78.

The *Taylor* holding controls the present case. A noncontributing lodger, like the majority's Mr. M., must by necessity either have the means to make a pro rata contribution to the recipient household, or he must lack such means. If the lodger is financially able to contribute to the cost of maintaining the household, New York surely does not offend due process by abating the shelter allowance of the AFDC recipient pro rata according to the lodger's share. If the lodger is not financially able to contribute his share, New York permits him to establish his separate eligibility for public assistance. We have been assured that New York does not require persons of demonstrated need to go without shelter. Should the lodger establish his eligibility, it is admitted by all parties that a household like the Mrs. D-Mr. M. household would receive a shelter allowance increased over the amount received by the D household alone.[2]

It is thus clear that the New York regulation "presumes" that a lodger has the will and means to contribute his or her fair share toward housing expenses unless the lodger demonstrates separate eligibility for public assistance. Any "presumption" of the lodger's means may be refuted at the lodger's initiative in the same forum in which the AFDC recipient was initially required to establish a need for aid. The "conclusive presumption" denounced by the majority is the same "presumption" that attaches to every member of our society: that he is able to pay his own way until and unless he demonstrates the contrary. If the lodger is eligible for public assistance but does not apply, his silence cannot be put at the state's door. If the lodger is too proud to accept welfare—Mrs. D's testimony indicates that such was Mr. M's motive for not applying for aid—then he ought to be too proud to accept aid from the state indirectly through the eligible AFDC recipient. A

noncontributing lodger like Mr. M. has and eats his public assistance cake without demonstrating his need.

The majority states that the aid recipient's "Fair Hearing" under 18 N.Y.C.R.R. §§ 358.1-358.27 is a "reasonable alternative means" for determining the amount a lodger is willing or able to pay toward the cost of housing. But this statement glosses over the obvious difficulty of determining the meaning or intent of a person who has not put his affairs before the Social Services Department by applying for public assistance. In none of the recent Supreme Court due process cases cited by the majority did the reasonable alternative means of factfinding entail intrusion into the affairs of any person who did not apply for or seek a governmentally administered benefit or right.

Section 322.30(d) does not "exacerbate [ ] the familial disintegration already experienced by the urban poor." It does not necessarily upset the established patterns of cooperation between people of limited and uncertain means. So long as each member of a group cooperating as a household establishes his eligibility for public funds, cooperating will increase the shelter allowance due the whole. In any event, the procedure implicitly sanctioned by the majority, requiring the lodger to submit his affairs to the New York Social Services Department in the context of the AFDC recipient's "Fair Hearing," is surely no less conducive to "familial disintregation" than requiring the lodger to demonstrate his need on his own application.

While assailing the rationality of section 352.30(d), today's majority embraces irrationality. It creates a unique class of persons who may receive the benefit of state aid without demonstrating any need for such aid. It prefers lodgers in AFDC recipient households over all other lodgers. It prefers lodgers in AFDC households

over the eligible AFDC recipients themselves, since the latter must bear the burden of demonstrating their eligibility. In our complex society there are no simple means of identifying households in need of state assistance, or of allocating the limited stock of resources among individuals who have demonstrated a need for such assistance. Section 352.30(d) is a valid attempt by New York to make such an allocation and it ought to be upheld.

FOOTNOTES

1. The *Taylor* court remanded the case so that the constitutional issues might be considered by a three-judge district court. The present case is the result of that remand. The opinion of the present majority ignores the *Taylor* rationale and in effect holds that section 406(a) of the Social Security Act and 45 C.F.R. § 233.90(a) are unconstitutional as applied in the Second Circuit.

2. Under locally administered regulations, shelter allowances increase in rough proportion to the number of eligible persons in the recipient household. Were Mr. M. to establish his eligibility for public assistance there would be an additional eligible person in the household, and the shelter allowance would accordingly be increased.

Judgment and Order.

[SAME TITLE]

This cause coming on to be heard upon remand from the United States Court of Appeals for the Second Circuit sub nom. *Taylor* v. *Lavine* for the convening of a three-judge district court pursuant to 28 U.S.C. §§ 2281 and 2284 to hear and determine plaintiffs' constitutional claims, and a consolidated three-judge court having been convened, and the plaintiffs having moved for a class action determination pursuant to Rule 23 of the Federal Rules of Civil Procedure and for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and motions to intervene as parties plaintiffs having been made pursuant to Rule 24 of the Federal Rules of Civil Procedure on behalf of Phyllis D'Alessio and Loretta Clark in *Hurley* v. *Van Lare*, and by Francesca Aloise in *Taylor* v. *Lavine*, and defendants Lavine and Van Lare having moved to dismiss the actions pursuant to Rule 12 of the Federal Rules of Civil Procedure or in the alternative for summary judgment, and the defendants not opposing plaintiffs' motion for a class action determination, and the three-judge court on June 26, 1974 having heard testimony and considered the evidence pursuant to Rule 43(e) of the Federal Rules of Civil Procedure, and having heard the argument of the attorneys for the parties herein, and the three-judge court having considered the evidence, memoranda of law, and due deliberation having been had, and upon the filing of the opinion of the three-judge court dated and filed the 5th day of August, 1974, and Circuit Judge Hays having filed a dissenting opinion, it is hereby

ORDERED that defendants' motions to dismiss the action or in the alternative for summary judgment be and the same hereby are denied, and it is further

Judgment and Order.

ORDERED that the above entitled consolidated actions are maintainable as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure. The class of plaintiffs consists of all residents of the State of New York who are or were or will be receiving public assistance, and who have had their grants of public assistance reduced, terminated, suspended or denied, or who are or may be threatened with the reduction, termination, suspension or denial of public assistance solely because of the presence of a "lodger" in the home pursuant to 18 N.Y.C.R.R. §§ 352.31(a)(3)(IV) and 352.30(d); and it is further

ORDERED that plaintiffs' motion for summary judgment be and the same is granted to the extent hereinafter set forth; and it is further

ORDERED that defendants, their officers, agents, servants, employees, and successors be and hereby are permanently enjoined from enforcing 18 N.Y.C.R.R. §§ 352.31(a)(3)(IV) and 352.30(d) and from terminating, suspending or reducing grants of public assistance because of the presence in the home of a family receiving public assistance of a person who is not a recipient of public assistance and who has no legal obligation to support the public assistance family; and it is further

AB

~~ORDERED that plaintiffs' claims for retroactive welfare benefits that resulted from the enforcement of 18 N.Y.C.R.R. §§ 352.31(a)(3)(IV) and 352.30(d) be and the same hereby are remanded to defendants who are directed to establish a procedure for their consideration and determination; and it is further~~

Judgment and Order.

ADJUDGED AND DECREED that plaintiffs are entitled to and are hereby granted a declaratory judgment in this action that 18 N.Y.C.R.R. §§ 352.31(a)(3)(IV) and 352.30(d) and defendants' policy and practice of terminating, suspending or reducing grants of public assistance because of the presence in the public assistance family's home of a person who is not a recipient of public assistance and who has no legal obligation to support the public assistance family, violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Dated: New York, New York
August 15, 1974.

/s/ ARNOLD BAUMAN
/s/ JACK B. WEINSTEIN

Judgment Entered:
August 15, 1974.

.....
Clerk

State Defendants' Notice of Appeal to the Supreme Court of the United States.

[SAME TITLE]

Sirs:

Please Take Notice that the defendants Barry Van Lare and Abraham Lavine hereby appeal to the Supreme Court of the United States from the Judgment and Order of the three-judge district court (Hayes, C.J. dissenting) dated the 15th day of August, 1974 and entered in the office of the Clerk of the United States District Court, Southern District of New York, on the same day which declared the action to be maintainable as a class action, permanently enjoined the enforcement of 18 N.Y.C.R.R. §§ 352.30(d) and 352.31(a)(3)(iv) to the extent that said regulations authorize the termination, suspension or reduction of grants of public assistance solely because of the presence of a lodger and non-recipient in the home of a public assistance recipient and declared said regulations unconstitutional to the same extent, and the said defendants hereby appeal from each and every part of said Judgment and Order as well as the whole thereof.

This appeal is taken pursuant to 28 U.S.C. § 1253.

Dated: New York, New York
August 20, 1974

Yours, etc.,

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Filed August 20, 1974